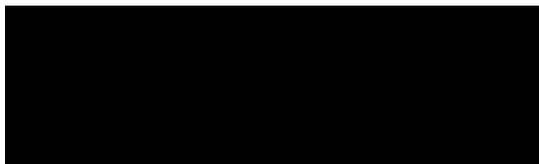




U.S. Citizenship
and Immigration
Services

L2



FILE:



MSC 02 214 60291

Office: NEW YORK

Date:

OCT 31 2008

IN RE: Applicant:



APPLICATION:

Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), *amended by* LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT:

Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. You no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case. If your appeal was sustained or remanded for further action, you will be contacted.

A handwritten signature in black ink, appearing to read "R. Wiemann".

for Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the director in New York City. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be summarily dismissed.

The director denied the application on the ground that the applicant failed to establish that he resided continuously in the United States in an unlawful status from before January 1, 1982 through May 4, 1988, as required under section 1104(c)(2)(B)(i) of the LIFE Act. The director cited the applicant's sworn affidavit at his interview for LIFE legalization on March 24, 2004, that his first entry into the United States did not occur until May 23, 1986. The director also noted that all of the primary documentation submitted at the interview as evidence of the applicant's residence in the United States dated from January 1989 or later.

On appeal the applicant confirmed that he first entered the United States in May 1986, unlawfully, after he had been caught in an earlier attempt to enter the United States from Canada.

As provided in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision confirms that the director accurately set forth a legitimate basis for denial of the application. On appeal the applicant acknowledges once again the very fact that makes him ineligible for LIFE legalization – namely, that his continuous unlawful residence in the United States did not begin before January 1, 1982. The applicant has not cited any specific error(s) in the director's decision, and has not presented any additional evidence. In short, the applicant has not set forth a legal or factual basis for the appeal.

The AAO determines that the applicant's appeal is frivolous, within the meaning of 8 C.F.R. § 103.3(a)(3)(iv). In accordance with the regulation, therefore, the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed. This decision constitutes a final notice of ineligibility.