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U.S. Department of Homeland Security
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U.S. Citizenship and Immigration Services

L2

[redacted]

FILE: [redacted] Office: NEW YORK Date: OCT 31 2008

MSC 03 175 63637

IN RE: Applicant: [redacted]

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. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, 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.

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, New York, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

An applicant for permanent resident status under section 1104 of the LIFE Act must establish his continuous unlawful residence in the United States from before January 1, 1982, through May 4, 1988, and his continuous physical presence in the United States from November 6, 1986, through May 4, 1998.

"Continuous unlawful residence" is defined at 8 C.F.R. § 245a.15(c)(1), as follows: An alien shall be regarded as having resided continuously in the United States if no single absence from the United States has exceeded *forty-five (45) days*, and the aggregate of all absences has not exceeded one hundred and eighty (180) days between January 1, 1982, and May 4, 1988, unless the alien can establish that due to *emergent reasons*, his or her return to the United States could not be accomplished within the time period allowed.

The applicant filed a Form I-485, Application to Register Permanent Resident or Adjust Status, on March 24, 2003. The applicant claimed to have entered the United States without inspection in January 1981, and to have departed the United States from October 6, 1987, to April 6, 1988, in order to visit family and friends in Gambia.

The director issued a Notice of Intent to Deny (NOID) the application on May 6, 2004.

The record reflects that in an attempt to establish his continuous unlawful residence in the United States from before January 1, 1982, through May 4, 1988, and his continuous physical presence in the United States from November 6, 1986, through May 4, 1998, the applicant submitted fill-in-the blank affidavits from acquaintances, and a letter from a physician's office stating that the applicant had been a patient since December 1986.

The director denied the application on August 31, 2005, because the applicant failed to establish his continuous unlawful residence in the United States from before January 1, 1982, through May 4, 1988, and his continuous physical presence in the United States from November 6, 1986, through May 4, 1998. The director specifically noted that the applicant had testified that he had departed the United States for six months during the requisite time period.

On appeal, the applicant requests more time for affiants to put together his paperwork, so that he can submit more evidence. He also states that he is in school and doing well. Although the applicant stated on his Form I-290B, Notice of Appeal, that he was submitting a separate brief and/or evidence with that form, no further documentation was received; therefore, the record is considered complete.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. The applicant's general statement on appeal which

appears to be an attempt to delay the adjudication process and is filed without specifically identifying any errors on the part of the director, is insufficient to overcome the well-founded and logical conclusions the district director reached based on the evidence submitted by the applicant.

The applicant has failed to address the reasons stated for denial and has not provided any new evidence on appeal. The appeal must therefore be summarily dismissed.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

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