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U.S. Citizenship
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Services

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FILE: MSC 01-296-60523

Office: NEW YORK

Date:

SEP 12 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.

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

The applicant submitted a Form I-485, Application to Register Permanent Resident or Adjust Status, on July 23, 2001. On December 20, 2007, the director denied the application after determining that the applicant had failed to establish that he had satisfied the residence requirement under section 1104(c)(2)(B) of the LIFE Act. The director noted that the affidavits submitted by the applicant were not credible and lacked probative value. The director determined that the applicant had failed to establish his residence in the United States during the requisite period.

On the applicant's Form I-290B, Notice of Appeal to the AAO, filed on January 9, 2008, the applicant asserts that he has submitted evidence that is credible and amenable to verification. The applicant also states that he supplemented his documentary evidence with detailed testimony concerning his entry and continuous residence in the United States. He requests that his application be approved on humanitarian grounds. The applicant does not submit any evidence on appeal.

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

A review of the director's decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence and has not addressed the basis for the director's denial. The appeal must therefore be summarily dismissed.

It is noted that on the applicant's Form G-325 dated July 13, 1992, where the applicant was asked to list his last address outside of the United States he indicated that he lived in Abidjan, Ivory Coast from June of 1986 to April of 1989. The applicant also submitted copies of his visa which shows multiple trips outside the United States from 1986 through 1989. This information is inconsistent with the applicant's claim in his appeal and elsewhere in his Form I-687 application where he states that he has continuously resided in the United States from 1981 through 1988. It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth lies, will not suffice. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). The applicant has failed to submit any objective evidence to explain or justify the inconsistencies. It is further noted that in light of the applicant's admission that he was absent from the United States from June of 1986 to April of 1989, he has failed to demonstrate that his absence, which was in excess of forty-five (45) days, was due to emergent reasons. *See* 8 C.F.R. § 245a.15(c). As such, he has failed to establish his continuous residency during the requisite period.

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