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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:

Office: LOS ANGELES

Date:

**SEP 22 2008**

MSC 03 070 60763

IN RE:

Applicant:



APPLICATION:

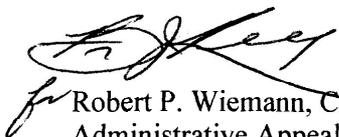
Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), *amended by* LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the National Benefits Center. If your appeal was sustained, or if your case 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.

  
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, Los Angeles, California. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to demonstrate that he entered the United States before January 1, 1982, and resided in a continuous unlawful status through May 4, 1988. The director noted that the applicant responded to a December 10, 2006 notice of intent to deny (NOID) requesting evidence to establish the requisite continuous residence; however, the evidence submitted in response was insufficient to overcome the reasons for denial as stated in the NOID.

On appeal, the applicant does not state a reason for the appeal. It is noted that the applicant stated on the Notice of Appeal to the Administrative Appeals Office (AAO), Form I-290B, filed December 21, 2006, that he is requesting 45 days to submit additional evidence. However, the record does not reflect receipt of any additional evidence or an appeal brief. As of the date of this decision, no additional evidence has been submitted. Therefore, the record must be considered complete.

Any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. 8 C.F.R. § 103.3(a)(3)(iv). A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. The AAO notes also that a review of the applicant's file (A75 654 431) reveals that the applicant stated on his asylum application, Form I-589, that he first entered the United States in February 1988, and that from 1982 to 1985 he attended Cetus #1 College, in Mexico; and, he testified before an Immigration Judge in his removal proceedings on October 4, 2000, that he first entered the United States in February 1988. The applicant, therefore, can not establish his continuous residence throughout the requisite period.

On appeal, the applicant has not presented additional evidence and has not addressed the basis for denial. The appeal must therefore be summarily dismissed.

It is also noted that the applicant was found inadmissible under section 212(a)(6)(C)(ii) of the Immigration and Nationality Act (INA) for having made a false claim to United States citizenship, and was placed in expedited removal proceedings [REDACTED] on November 12, 2000. Although the applicant was charged with making a false claim to U.S. citizenship, prosecution was declined. The fact that the applicant was removed and then reentered without permission also renders him inadmissible under section 212(a)(9) of the INA.

In addition, the record shows that the applicant was arrested on November 11, 1990, and subsequently convicted of one count of theft of personal property in the Municipal Court of Glendale, California. CIS must address this conviction in any future proceedings.

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