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U.S. Department of Homeland Security
20 Massachusetts Ave., N.W., Rm. 3000
Washington, DC 20529

U.S. Citizenship
and Immigration
Services

PUBLIC COPY

[redacted]

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FILE: [redacted] Office: NEW YORK Date: DEC 10 2007

MSC 01 272 60065

IN RE: Applicant: [redacted]

PETITION: 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 PETITIONER: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

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

An applicant for permanent resident status under section 1104 of the LIFE Act has the burden to establish by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States and is otherwise eligible for adjustment of status under this section. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. 8 C.F.R. § 245a.12(e).

The director found that the record was insufficient to establish that the applicant had entered the United States prior to January 1, 1982 and continuously resided in the United States in an unlawful status through May 4, 1988, and consequently issued a Notice of Intent to Deny (NOID) the application on February 19, 2004. Specifically, the district director relied upon the testimony given by the applicant during his May 2, 2002 interview, and noted that most of his answers to the questions posed were contradictory. The director also noted that when asked for evidence in support of his statements, the applicant claimed there was none available. The applicant was afforded 30 days in which to submit credible evidence to show that he had continuously resided in the United States during between January 1, 1982 and May 4, 1988 and maintained continuous physical presence in the United States from November 6, 1986 through May 4, 1988. The applicant failed to respond to the NOID, and the application was subsequently denied on August 1, 2005.

On August 25, 2005, the applicant submitted Form I-290B, Notice of Appeal to the Administrative Appeals Office (AAO), on which he states, "I am enclosing a separate brief." In support of the appeal, the applicant submits a letter dated August 16, 2005, which states as follows:

> With reference to your letter dated August 1st, 2005 I am making this request/appeal. I would like to inform you that I filed I-485 on July 5th, 2001, and now my application is denied for this reason that I cannot provide you the evidence that I am that person who entered the US prior to January 1st, 1982, but I want to inform you that **I didn't receive any letter from your office**. But if still required I am submitting all the relevant document for your kind consideration.
>
> Please review your decision and do the need ful.
>
> An early action in the matter will be highly appreciated.

The applicant also submits various documents, including photocopies of his class affidavit and previously-submitted affidavits, in support of the 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. The applicant's general statements provided in the August 16, 2005 letter, without specifically identifying any errors on the part of the director, are simply insufficient to overcome the well-founded and logical conclusions the director reached based on the evidence submitted and statements made by the applicant. Although the applicant submits additional documentary evidence on appeal, with Form I-290B, it is noted that the documents submitted on appeal were previously submitted prior to adjudication.

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

In the event that this matter warranted a full review, it should be noted that most of the evidence provided was previously submitted prior to adjudication and had been deemed insufficient to establish eligibility for the benefit sought. More importantly, however, the AAO notes that during his interview on May 2, 2002, the applicant claimed that he had no documentary evidence to support his claim that he was in the United States prior to January 1, 1982. On appeal, however, the applicant submits three statements from the New York branch of the National Bank of Pakistan, dated November 1, 1981, February 22, 1982 and August 1, 1984. It is noted that below the applicant's address, there appears to be a phone number listed. The number contains the New York area code (718), which was not created until September 1, 1984. Consequently, since all three of these documents were allegedly issued prior to the creation of this area code, it appears that these documents represent a fraudulent attempt to overcome the basis for the director's denial.

Furthermore, it is noted that the statement dated August 1, 1984 lists the applicant's address as [redacted] On Form I-687, Application for Status as a Temporary Resident, which he signed under the penalty of perjury, the applicant claims to have resided in Brooklyn at [redacted], during this period. This address further contradicts the statements set forth in some of the affidavits of acquaintances provided for the record. Doubt cast on any aspect of the petitioner's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988). If CIS fails to believe that a fact stated in the petition is true, CIS may reject that fact. Section 204(b) of the Act, 8 U.S.C. § 1154(b); *see also Anetekhai v. I.N.S.*, 876 F.2d 1218, 1220 (5th Cir.1989); *Lu-Ann Bakery Shop, Inc. v. Nelson*, 705 F. Supp. 7, 10 (D.D.C.1988); *Systronics Corp. v. INS,* 153 F. Supp. 2d 7, 15 (D.D.C. 2001).

As previously stated, the applicant has failed to address the reasons stated for denial and has not provided any evidence to warrant favorable consideration on appeal. The appeal must therefore be summarily dismissed.

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