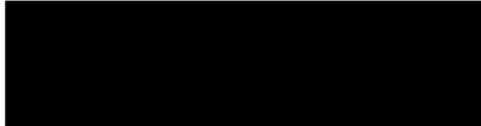


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FILE: [REDACTED] Office: NEW YORK Date: NOV 29 2007  
MSC 02 064 61719

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. All documents have been returned to the office that originally decided your case. 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.

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

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 on appeal. The appeal will be summarily dismissed.

The district director denied the application because the applicant had not established that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988. Specifically, the director noted that the applicant had left the United States in December 1986 and did not return until April of 1987, and had failed to demonstrate that he could not return within the time period allotted.

On June 8, 2004, the district director issued a Notice of Intent to Deny (NOID) the application, and afforded the applicant 30 days in which to overcome or rebut the proposed basis for denial. In a response received on June 17, 2004, the applicant submitted an affidavit dated June 15, 2004, indicating that he remained abroad for more than three months from December 1986 to April 1987 because "I was broke and I had to make money to buy [an] airplane ticket back to the United States." The director found that the response was insufficient to satisfy the applicant's burden of proof, and consequently denied the application on June 7, 2005.

On appeal, the applicant submits Form I-290B with a handwritten statement urging the AAO to reconsider his application. The applicant does not identify any error on the part of the director, but merely contends that he is currently raising his six children in the United States and it would cause great hardship to his family if his application is denied. In support of the appeal, he resubmits his June 15, 2004 affidavit.

As relied upon by the director, the regulation at 8 C.F.R. § 245a.15(c)(1) provides that the term "continuous residence" means that 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 days . . . between January 1, 1982 and May 4, 1988, unless the alien can establish that due to emergent reasons, his or her to the United States could not be accomplished within the time period allowed." In this matter, the applicant alleges under oath that he did not have enough money to purchase a return ticket, which is not an emergent situation as contemplated by the regulations. On appeal, the applicant makes no attempt to refute or find error in the director's findings on this issue.

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 statement on the Form I-290B, without specifically identifying any errors on the part of the director, is simply insufficient to overcome the well-founded and logical conclusions the 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 additional evidence on appeal. The appeal must therefore be summarily dismissed.

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