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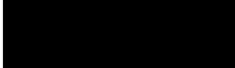
U.S. Citizenship
and Immigration
Services

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FILE:



Office: SACRAMENTO, CA

Date:

OCT 11 2007

MSC-02-228-63103

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:



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, Director
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director of the Sacramento District Office and is now before the Administrative Appeals Office (AAO) on appeal.¹ The appeal will be dismissed.

An applicant for permanent resident status must establish entry into the United States before January 1, 1982 and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. 8 C.F.R. § 245a.11(b). The regulation at 8 C.F.R. § 245a.15(c)(1) further states that an applicant shall be regarded as having continuously resided 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 during the requisite period unless the applicant can establish that his or her return was untimely due to emergent reasons. The regulation at 8 C.F.R. § 245a.12(e) state that applicants for adjustment of status to that of a Legal Permanent Resident under this section bear the burden of establishing that they have resided continuously in the United States for the duration of the requisite period by a preponderance of the evidence.

The director concluded that the applicant's testimony during his interview with a CIS officer on October 13, 2005 and evidence in his passport indicated that he did not maintain continuous residence in the United States for the requisite period, as he had an absence from the United States that exceeded forty-five (45) days. In saying this, the director noted that the applicant stated at the time of his interview that he lived outside of the United States for what he estimated was approximately three (3) years during the requisite period. Therefore, the director found that the applicant was not eligible to adjust status to that of a permanent resident pursuant to regulation at 8 C.F.R. § 245a.15(c)(1) and denied his application.

On appeal, the applicant states that he did reside in Malaysia for approximately three (3) years. However, he argues that he is now elderly and in poor health and is supported by people in his community in a Sikh Temple in the United States. He requests the Service to consider his age and the state of his health and approve his application.

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 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.

¹ The applicant filed an appeal on March 20, 2007. On March 22, 2007 the applicant's counsel filed another appeal of the same decision. This decision relates to the initial appeal. The subsequent appeal will be rejected. The applicant has the right to file only one appeal per decision. Nonetheless, the subsequent appeal also failed to state the reason for that appeal.