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U.S. Citizenship
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FILE:

[REDACTED]

Office: NEW YORK

Date:

AUG 01 2008

MSC 02 017 61779

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:

[REDACTED]

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, Chief
Administrative Appeals Office

DISCUSSION: On January 9, 2008, the District Director, New York, denied the application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The director denied the application because the only evidence submitted by the applicant of his residence in the United States during the statutory period consisted of letters and affidavits that did not appear to be credible. The director noted that an affidavit from the applicant's relative contradicted the applicant's previous statements regarding a trip to Canada in 1987. The director found that a letter from ██████████ DDS, was fraudulent because Dr. ██████████ did not receive his license until 1985 and the letter from Dr. ██████████ was written in March 1982. The director found that the applicant had failed to meet his burden to establish, by a preponderance of the evidence, that he first entered the United States prior to January 1, 1982, and that he resided continuously in the United States in an unlawful status since that date through May 4, 1988.

The Form I-290B, Notice of Appeal to the AAO, was filed on March 2, 2004. In Part 2 of the form, information about the appeal or motion, counsel for the applicant checked the box marked "I am filing an appeal. No supplemental brief and/or evidence will be submitted." As of the date of this decision, the AAO has received no additional evidence or brief. As such, the record will be deemed complete. In Part 3 of the form, basis for the appeal or motion, counsel stated the following:

The documentation submitted taken as a whole satisfies the requirements for adjustment of status under section 1104 of the LIFE Act.

Counsel did not allege any legal or factual error in the director's decision and did not submit additional documents.

Any appeal that fails to state the reason for appeal 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. On appeal, counsel has not presented additional evidence or brief and has not addressed the basis for denial. The appeal must therefore be summarily dismissed.

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