

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

L

FILE:

MSC 02-043-60349

Office: NEW YORK

Date:

JUL 10 2008

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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

A handwritten signature in black ink, appearing to read "D. King" or similar, written over a horizontal line.

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

The applicant submitted a Form I-485, Application to Register Permanent Resident or Adjust Status, on November 12, 2001. On August 24, 2007, the director denied the application after determining that the applicant had failed to establish that he had satisfied the residence requirement under section 1104(c)(2)(B) of the LIFE Act. The director noted that the applicant had failed to respond to the Notice of Intent to Deny (NOID) dated July 11, 2007, and therefore, the application was being denied based upon the reasons stated in the NOID.

The director noted in the NOID that the affiant's statements directly contradicted the applicant's statements made during his immigration interview on March 18, 2003, and on his immigration application forms. The director noted that the applicant also made contradictory statements concerning his absence from the United States. The director indicated in the NOID that the affidavits submitted by the applicant were not credible or amenable to verification and that there was no proof in the record of the affiant's direct personal knowledge of the events and circumstances being attested to. The director determined that the record of proceeding contained multiple inconsistencies, discrepancies, and contradictions concerning the applicant's residence, physical presence, and absence from the United States.

On the applicant's Form I-290B, Notice of Appeal to the AAO, filed on September 21, 2007, counsel asserts that the applicant has submitted sufficient evidence to meet his burden of proof to establish his claim of eligibility for the immigration benefits sought. Counsel also asserts that the applicant has been contacted to request additional evidence, if he has it. Counsel did not allege any legal or factual error in the director's decision sufficient to overcome the director's denial, nor did he address the many inconsistencies and contradictions found in the applicant's testimony and statements of record. There was no additional evidence submitted on 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.

A review of the director's decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented evidence to overcome the director's decision. Nor has he specifically 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.