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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [redacted] Office: NEW YORK Date: JUL 10 2008
MSC 03-231-61244

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:



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.

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 May 19, 2003. On August 27, 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 submitted affidavits that were deficient in detail and weak in credibility. The director also noted that there was no proof of the affiant's direct personal knowledge of the events being attested to.

On the applicant's Form I-290B, Notice of Appeal to the AAO, filed on September 27, 2007, counsel asserts that director erred in denying the application and that the applicant is eligible for adjustment of status having continuously resided in the United States since 1981. The applicant submits as evidence on appeal previously submitted affidavits from [REDACTED] and [REDACTED]. Counsel does not specify any legal or factual error in the director's decision and did not submit any new evidence.

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 any evidence and has not addressed the basis for the denial. The appeal must therefore be summarily dismissed.

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