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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:

MSC 02 144 61162

Office: NEW YORK

Date:

APR 02 2009

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.

John F. Grissom, Acting Chief
Administrative Appeals Office

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

The director denied the application because the applicant did not establish that he continuously resided in the United States for the duration of the requisite period. Specifically, the director noted that the applicant was notified of the United States Citizenship and Immigration Services (USCIS) intent to deny his application on February 2, 2007. The director noted that the applicant responded to the NOID with a letter from his attorney which did not rebut inconsistencies noted by the director in the evidence submitted by the applicant. The NOID response did not present new evidence in support of the application or otherwise address issues raised by the director in the NOID. The application was, accordingly, denied.

On appeal, counsel submits a brief stating simply that the applicant arrived in the United States prior to January 1, 1982 and lived continuously in this country through May 4, 1988. Counsel states that the applicant has complied with current rules and regulations of the LIFE Act and its amendments, and does not know why the documents and arguments submitted are not enough to satisfy requirements for eligibility. Counsel asks that the evidence submitted be positively considered and that the appeal be granted.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. The applicant did not specifically address the basis of the director's denial (that the evidence submitted did not establish the applicant's residence in the United States for the duration of the requisite period, and that the evidence submitted contained inconsistencies not explained in the record) nor did he present additional evidence in support of the appeal. The appeal must therefore be summarily dismissed.

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