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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
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FILE:

MSC 01 327 60060

Office: SACRAMENTO

Date: **APR 21 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. 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.

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, Sacramento, California. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be summarily dismissed.

An applicant for permanent resident status under section 1104 of the LIFE Act has the burden to establish by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States and is otherwise eligible for adjustment of status under this section. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. 8 C.F.R. § 245a.12(e).

The applicant filed the current Form I-485, Application to Register Permanent Resident or Adjust Status, on August 23, 2001. The director denied the application on July 31, 2008, on the basis that the applicant failed to establish by a preponderance of the evidence that he entered the United States before January 1, 1982, and resided in a continuous unlawful status from then through May 4, 1988, and that he had been continuously physically present in the United States from November 6, 1986, through May 4, 1988.

The applicant timely filed the current appeal from that decision on August 18, 2008. On appeal, counsel asserts that a brief and/or additional evidence will be submitted within 30 days of filing the appeal. To date, no additional documentation has been submitted; therefore, the record will be considered complete.

On appeal, counsel submits a brief statement asserting that the director failed to consider all of the documentation and arguments submitted by the applicant and that his decision was arbitrary, capricious and contrary to the principles of fairness. As previously indicated, no new evidence has been supported by counsel in support of the appeal.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. Without specifically identifying any errors on the part of the director, counsel's assertions are insufficient to overcome the well-founded and logical conclusions the director reached based on the evidence submitted contained in the record. Therefore, the appeal must be summarily dismissed.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 245a.2(d)(5) of the Act.

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