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FILE: [REDACTED]
MSC 02 163 60887

Office: NEW YORK, NEW YORK

Date:

MAR 12 2009

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. If your appeal was dismissed or rejected, all documents have been forwarded to the U.S. Citizenship and Immigration Services National Records 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 if the matter was remanded for further action, the record of proceedings was returned to the office that originally issued a decision in your case, and you will be contacted.

A handwritten signature in black ink, appearing to read "John F. Grissom".

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

The director denied the application because the applicant failed to submit sufficient, consistent evidence to establish that he had resided continuously in the United States throughout the statutory period as required under section 1104(c)(2)(B) of the LIFE Act. The director specified, for example, that the applicant's evidence lacked credibility in that he submitted one marriage certificate that indicated that he married on November 20, 1987 in Pakistan, and one which indicated that he married on August 20, 1985 in Pakistan. The director pointed out that at the LIFE legalization interview, the applicant testified that he had only one absence from the United States during the statutory period and that was during August 1985. In addition, the director stated that in the record are the statements of [REDACTED] and [REDACTED]

Respectively, these individuals claim to have known the applicant from: April 1982, 1981, December 1981 and December 1981. Yet, according to the record, the applicant lived in Florida from 1980 through 1983 and he did not reside in New York until 1985. These four statements in the record gave no explanation as to how these four individuals who were residing in New York could have known the applicant prior to 1985. The statements also lacked credibility because [REDACTED] and [REDACTED] all failed to provide evidence of having resided in the United States during the statutory period. The director indicated that the applicant had provided no primary, contemporaneous evidence of having resided in the United States during the statutory period and that the statements and affidavits in the record failed to overcome the inconsistencies in the record regarding the applicant's breaks in residence in the United States represented by the two conflicting marriage certificates.¹

On appeal, the applicant through counsel made assertions and resubmitted evidence that had been submitted with the rebuttal and which the director stated in the Notice of Decision were not sufficient to overcome the discrepancies and weaknesses in the evidence set forth in the Notice of Intent to Deny (NOID). The applicant did not allege any specific legal or factual error in the director's decision and did not submit any new evidence on appeal. As of the date of this decision, no additional evidence has been submitted. The AAO will consider the record complete.

Any appeal that fails to state a basis for the appeal, or is patently frivolous, 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 legitimate bases for denial of the application. On appeal, the applicant has not presented new evidence and has not addressed the bases for denial, other than to reiterate the claims made on rebuttal. The appeal must therefore be summarily dismissed.

¹ The two marriage certificates in the record are not just inconsistent regarding the date which the marriage began. They also, for example, list ages for the applicant and his wife at the time of the marriage that are not consistent between the two documents and two different districts in Pakistan as the location of the marriage ceremony. Each of the two documents indicates on its face that it is not a translation, but instead is a "true copy" of the official record of the marriage as recorded in Pakistan.

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