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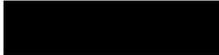
U.S. Citizenship
and Immigration
Services

PUBLIC COPY



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FILE:



Office: OMAHA

Date:

NOV 20 2007

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:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. 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.


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, Omaha, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The district director concluded that the applicant's criminal conviction rendered him statutorily ineligible to adjust his status to that of a permanent resident under the provision of section 1104(c)(2)(B) the LIFE Act. See 8 C.F.R. § 245a.11(d)(1).

The regulation at 8 C.F.R. § 245a.20(a)(2) states, in pertinent part:

A party affected under this part by an adverse decision is entitled to file an appeal on Form I-290B, Notice of Appeal to the Administrative Appeals Office (AAO), with required fee specified in § 103.7(b)(1) of this chapter.

The regulation at 8 C.F.R. § 245a.20(b)(1) states that the applicant must comply with the process for filing an appeal as specified in 8 C.F.R. § 103.3(a). Accordingly, 8 C.F.R. § 103.3(a)(1)(iii) states, in pertinent part:

(B) *Meaning of affected party.* For purposes of this section and §§ 103.4 and 103.5 of this part, *affected party* (in addition to the Service) means the person or entity with legal standing in a proceeding.

Only an affected party, a person or entity with legal standing, may file an appeal of an unfavorable decision. In this case the Form I-290B is signed by [REDACTED] who has identified herself as the spouse of the applicant. The appeal is accompanied by a letter from [REDACTED] who submits the appeal on behalf of the applicant. The appeal has not been signed and filed by the applicant, or by any entity with legal standing in the proceeding. Therefore, the appeal has not been properly filed, and must be rejected.

Additionally, the AAO notes that even if the appeal was not rejected for its improper filing, it would have been summarily dismissed. 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 decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant's spouse does not dispute the ground for denial and submits additional documentation seeking a favorable decision based strictly on humanitarian grounds. At no time does the applicant's spouse acknowledge the applicant's statutory ineligibility based on his criminal conviction.

Regardless, as discussed above, the applicant's appeal has been improperly filed and is hereby rejected on that basis.

ORDER: The appeal is rejected.