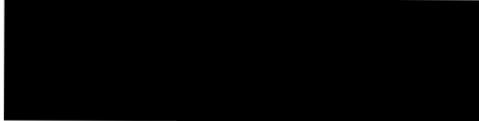


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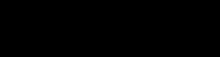
U.S. Citizenship
and Immigration
Services

PUBLIC COPY



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FILE:



Office: LOS ANGELES

Date:

AUG 01 2008

MSC 03 249 62405

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. All documents have been returned to the National Benefits Center. If your appeal was sustained, or if your case 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.

for 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, Los Angeles, California. 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 had failed to submit final court dispositions for his arrest. The director noted that the applicant failed to respond to a September 12, 2006 Notice of Intent to Deny (NOID), requesting final court dispositions pertaining to an arrest on May 23, 2004, and Department of Motor Vehicles violations.

As noted by the director, the record does not reflect that the applicant responded to the NOID. No additional evidence was received. In the Notice of Decision, dated October 23, 2006, the director denied the instant application based on the reasons stated in the NOID.

On appeal, counsel states that the director erred in determining that the applicant had abandoned his application. It is noted that counsel stated on the Notice of Appeal to the Administrative Appeals Office (AAO), Form I-290B, filed September 9, 2005, that an appeal brief will be submitted within 30 days, and "the applicant will show he made a timely response and is eligible for legalization under the LIFE Act." However, the record does not reflect receipt of an appeal brief. Also, counsel does not submit any additional evidence on appeal. As of the date of this decision, no additional evidence has been submitted, and there is no evidence that the applicant submitted court dispositions for his arrests. Therefore, the record must be considered complete.

It is noted that the applicant's Federal Bureau of Investigation (FBI) fingerprint results report, completed in connection with his LIFE Act application, reflects that:

On May 5, 2004, the applicant was arrested by the Police Department, Bell Gardens, California, and charged with:

CHARGE 1: 1 Count of DUI ALCOHOL/DRUGS
CHARGE 2: 1 Count of HIT AND RUN, PROP DAMAGE
CHARGE 3: 1 Count of DRIVE, LIC SUSPENDED/ETC
CHARGE 4: 1 Count of DUI ALCOHOL/0.8 PERCENT
CHARGE 5: 1 Count of DRIVE, LIC SUSPENDED/ETC
CHARGE 6: 1 Count of DRIV, SUSP/ETC LIC, DUI, VIO

The record also reflects California Department of Motor Vehicles records for the following:

1. On June 5, 1990, for a violation of California Vehicle Code, Section 42005 VC; and,
2. On September 27, 1990, for a violation of California Vehicle Code, Section 40508A VC.

Any appeal that fails to state the reason for 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 a legitimate basis for denial of the application. On appeal, the applicant has not presented

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

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