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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: [Redacted] Office: NEW YORK Date: JUL 10 2008
MSC 03-105-62297

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: SELF-REPRESENTED

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.

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

The applicant submitted a Form I-485, Application to Register Permanent Resident or Adjust Status, on January 13, 2003. On August 28, 2007, the director denied the application after determining that the applicant had failed to establish that he had satisfied the residence requirement under section 1104(c)(2)(B) of the LIFE Act. The director noted that the applicant had resubmitted affidavits that had already been determined to be not credible or amenable to verification. The director also noted that there was no proof of the affiant's personal knowledge of the events and circumstances of the applicant's residency.

On the applicant's Form I-290B, Notice of Appeal to the AAO, filed on September 27, 2007, the applicant asserts that he has provided sufficient evidence to establish his eligibility and that his testimony given during his immigration interview detailed all of the facts and circumstances necessary to establish that the evidence was credible and amenable to verification. The applicant resubmits the attestations previously reviewed by the director. He also submits two formatted LIFE Act declarations on appeal. These declarations have no probative value, however, because they do not state when or where the declarants met the applicant, nor do they provide any information that would indicate direct personal knowledge of the applicant's whereabouts and circumstances during the requisite period. The applicant does not specify any legal or factual error sufficient to overcome the director's denial.

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 director's decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has presented evidence that has no probative value and he has not overcome the basis for the denial. The appeal must therefore be summarily dismissed.

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