



U.S. Citizenship
and Immigration
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[REDACTED]

FILE:

[REDACTED]
MSC 01-300-60040

Office: NEW YORK

Date: JUL 15 2008

IN RE:

Applicant: [REDACTED]

APPLICATION:

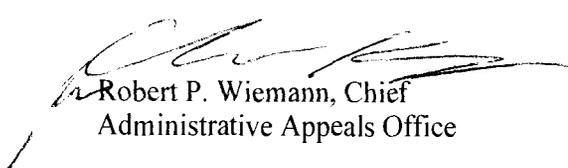
Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), *amended by* LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

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 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 July 27, 2001. On August 27, 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 failed to respond to the Notice of Intent to Deny (NOID) dated July 27, 2007; and that therefore, the application was being denied based upon the reasons stated in the NOID.

The director noted in the NOID that the affidavits submitted by the applicant were not credible or amenable to verification. The director further noted that the affidavits provided were inconsistent with the applicant's statements and with each other. The director also noted the contradictions in the applicant's statements concerning his employment history and religious affiliations. The director questioned the authenticity of the employment, church, and medical letters that were submitted by the applicant as evidence. The director determined that the record of proceeding contained multiple inconsistencies, discrepancies, and contradictions concerning the applicant's residence, physical presence, and absence from the United States and that therefore, he had failed to establish his eligibility for the immigration benefit sought.

On the applicant's Form I-290B, Notice of Appeal to the AAO, filed on September 26, 2007, counsel asserts that inconsistencies are to be expected in every application, and that the discrepancies addressed by the director were minor; and therefore, should not affect the applicant's eligibility for the immigration benefit sought. Without documentary evidence to support the claim, the assertions of counsel will not satisfy the petitioner's burden of proof. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). Counsel did not allege any legal or factual error in the director's decision and did not submit any additional evidence.

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 not presented additional evidence to overcome the director's decision and has not addressed the basis for the director's denial. The appeal must therefore be summarily dismissed.

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