

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

L2

[Redacted]

FILE:

[Redacted]

Office: TUKWILA

Date:

JUL 25 2008

MSC 02 169 62272

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. All documents have been returned to the office that originally decided your case. 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.

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, Tukwila, Washington. 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 establish that he satisfied the residence requirement under section 1104(c)(2)(B) of the LIFE Act.

On his Form I-290B, Notice of Appeal to the AAO, filed on August 31, 2006, the applicant stated, "More evidence to be followed." He also indicated that he would be sending a brief and/or evidence to the AAO within 120 days. The applicant did not allege any legal or factual error in the director's decision and did not submit additional documents. The applicant did not explain the reason for his request for an additional 120 days to submit a brief and/or additional evidence. As of the date of this decision, no additional evidence has been submitted, and the record will be deemed complete.

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.

It also noted that the applicant's Federal Bureau of Investigation (FBI) fingerprint results report reflects that:

1. On July 19, 2004, the applicant was arrested by the New York and New Jersey Port Authority Police, and charged with Count 1: 2C:12-1B(3) "AGGRAVATED ASSAULT WITH WEAPON," a felony; and, Count 2: 2C:39-5D, "POSSESS WEAPON." The FBI report indicates that on October 28, 2004, the applicant was convicted of violation of NJSA 2C:12-1B(3) "AGGRAVATED ASSAULT WITH WEAPON," a felony.

The final court disposition is not in the record of proceeding. CIS must address this arrest and any convictions in any future proceedings.

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