

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

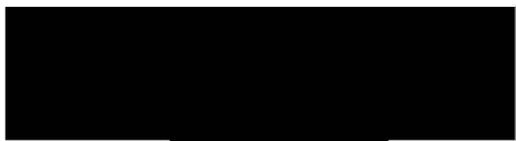
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

L2



FILE:



Office: NEW YORK

Date: JUL 28 2008

MSC-02-221-61945

IN RE: Applicant: MOHAMED BOUDHAS

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.

for *Michael T. Kelly*
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, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The district director denied the application because the applicant failed to demonstrate that he resided in a continuous unlawful status in the United States beginning prior to January 1, 1982 through May 4, 1988.

On appeal, the applicant submits a timely Form I-290B, Notice of Appeal and a letter from Terrace Healthcare Center, Inc. dated February 13, 2008. On the Form I-290B, the applicant states that he has "spent about three-fourths of [his] life in the United States" and that he has lived in a nursing home for over 12 years." The letter from Terrace Healthcare Center, Inc. states that he applicant has been a "resident of Terrace Healthcare Center since October 12, 1994." On appeal, the applicant did not submit any new evidence of his continuous unlawful status in the United States from January 1, 1982 to May 4, 1988. As of this date, the AAO has not received any additional evidence from the applicant. Therefore, the record is complete.

Section 1104(c)(2)(B) of the LIFE Act states:

- (i) In General – The alien must establish that the alien entered the United States before January 1, 1982, and that he or she has resided continuously in the United States in an unlawful status since such date and through May 4, 1988. In determining whether an alien maintained continuous unlawful residence in the United States for purposes of this subparagraph, the regulations prescribed by the Attorney General under section 245A(g) of the Immigration and Nationality Act (INA) that were most recently in effect before the date of the enactment of this Act shall apply.

An applicant for permanent resident status under section 1104 of the LIFE Act has the burden of establishing by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States, and is otherwise eligible for adjustment of status under this section. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility, and amenability to verification. 8 C.F.R. § 245a.12(e).

In the Notice of Intent to Deny (NOID), the director stated that the applicant failed to submit evidence demonstrating his continuous unlawful residence in the United States for the required statutory period. The director granted the applicant thirty (30) days to submit additional evidence. In the Notice of Decision, the director denied the instant application based on the reasons stated in the NOID. The director specifically noted that the affidavits submitted in response to the NOID were "insufficient to overcome the grounds for denial."

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal 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 has not presented any new evidence. The applicant fails to specify how the director made any erroneous conclusion of law or statement of fact in denying the application. Nor has he specifically addressed the basis for denial. As the applicant presents no additional evidence on appeal to overcome the decision of the director, the appeal will be summarily dismissed in accordance with 8 C.F.R. § 103.3(a)(3)(iv).

Based on the above, the applicant has failed to establish entry into the United States prior to January 1, 1982, and continuous unlawful residence through May 4, 1988, as required under Section 1104(c)(2)(B) of the LIFE Act. Given this, he is ineligible for permanent resident status under Section 1104 of the LIFE Act. Accordingly, the appeal must be summarily dismissed.

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