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U.S. Department of Homeland Security
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U.S. Citizenship
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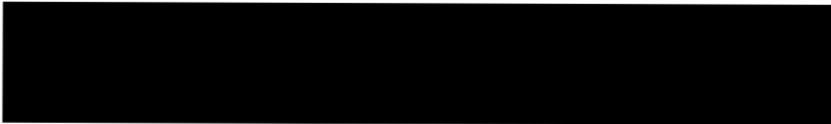
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FILE: [REDACTED] Office: NEW YORK Date: **MAY 21 2008**
MSC 01 278 60162

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:



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, New York. 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.

In the Notice of Decision, dated June 15, 2006, the director denied the instant application based on the reasons stated in the NOID. The director determined that the applicant's response to the NOID consisted of previously submitted documents.

On his Form I-290B, Notice of Appeal to the AAO, filed on August 25, 2006, counsel for the applicant states only that due weight was not accorded the evidence submitted. He also indicated that he would not be sending a brief and/or evidence. Counsel does not articulate any legal or factual error in the director's decision, and he did not submit additional documents. Therefore, the record will be deemed complete.

The record reflects that the applicant's national identification card was issued in The Gambia in 1986. The applicant's Biographic Data Form, Form G-325A, reflects that he resided in his native country, The Gambia, between December 1986 and November 1988. The applicant also testified under oath, at his suspension of deportation hearing before an Immigration Judge on December 4, 1997, that he spent most of his time between 1986 and 1988 in Senegal, and that he first entered the United States on November 26, 1988. The applicant's passport reflects that he was admitted to the United States as a B-1 nonimmigrant visitor with a visa issued by the U.S. Consular Office in Banjul, Gambia, on November 3, 1988. Hence, the applicant cannot demonstrate that he entered the United States before January 1, 1982, and that he resided in a continuous unlawful status through May 4, 1988. The appeal, therefore, is patently frivolous.

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, counsel 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.