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U.S. Citizenship
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Services

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FILE:

MSC-02-229-61986

Office: NEW YORK Date:

OCT 03 2008

IN RE:

Applicant:

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. The file has 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, 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 failed to establish that she satisfied the residence requirement under section 1104(c)(2)(B) of the LIFE Act. The director noted that the affidavits submitted by the applicant lack sufficient detail and credibility. She also noted several inconsistencies in the record which cast doubt on the reliability of the evidence submitted by the applicant.

On the Form I-290B, Notice of Appeal to the AAO, filed on October 10, 2006, counsel for the applicant simply asserts the following, "Please accept our appeal for humanitarian reasons. We have reviewed our client's case and we are positive that [the applicant] is eligible for legalization under the current regulations. Please honor the validity of our client's documents already submitted for your consideration." The regulations at 8 C.F.R. 103.3(a)(1)(r) state, in pertinent part: An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. In as much as counsel and the applicant have failed to identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the appeal must be summarily dismissed.

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