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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: [Redacted] MSC 01-341-60078

Office: NEW YORK

Date: OCT 30 2008

IN RE: Applicant: [Redacted]

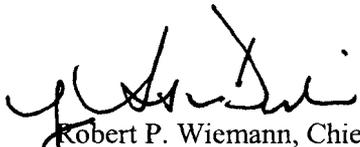
APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT:

[Redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. 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, 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 September 6, 2001. On May 6, 2004, 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 January 22, 2004, and 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 during his immigration interview were not credible or where not amenable to verification. The director further noted in the NOID that although the applicant claimed that the photographs he submitted were taken in the early 1980s, the Brooklyn Museum, which is in the background of the pictures, displayed an exhibit which took place in September and November of 1990. The director also noted that the applicant stated in response to questioning by immigration officers during his interview that he traveled to Bangladesh in 1987 to visit his mother and to mourn the death of his father; however, on a Form I-131 travel document dated May 13, 1993, the applicant submitted evidence that his father was undergoing treatment for coronary artery disease.

On the applicant's Form I-290B, Notice of Appeal to the AAO, filed on June 1, 2004, counsel asserts that neither the applicant nor he received the NOID, and was therefore unable to respond in a timely manner. The applicant submitted an affidavit from [REDACTED] who states that he has known the applicant since 1981 as family and as a friend. Mr. [REDACTED] also states that he first met the applicant in Manhattan, New York. The affidavit submitted by [REDACTED] is inconsistent with the statements made by the applicant under oath during his immigration interview. In addition, the affiant does not provide any information that would indicate personal knowledge of the applicant's whereabouts or the circumstances of his residency during the requisite period. It is also noted that the applicant did not allege any legal or factual error in the director's decision.

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 evidence sufficient to overcome the director's decision. Nor has he specifically 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.