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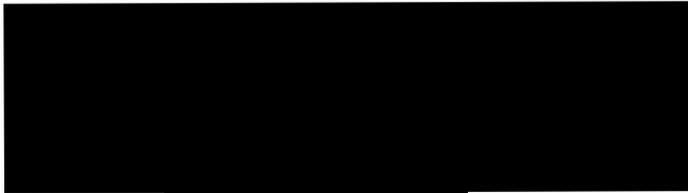
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U.S. Citizenship
and Immigration
Services

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FILE:



Office: NEW YORK

Date:

APR 01 2009

MSC 02 085 64132

IN RE: Applicant:



APPLICATION:

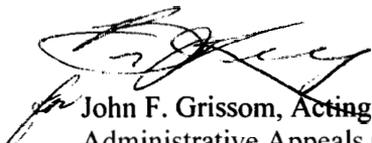
Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter 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.


John F. Grissom, Acting Chief
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director determined that the applicant had not established that he resided in the United States in a continuous unlawful status from before January 1, 1982 through May 4, 1988, as required by section 1104(c)(2)(B) of the LIFE Act. The director denied the application on July 5, 2007, noting that the applicant failed to respond to a notice of intent to deny (NOID). It is noted that in the April 14, 2007 NOID, the director stated that the applicant submitted affidavits that were neither credible, nor amenable to verification, and the director granted the applicant thirty (30) days to submit additional evidence. The director also mailed a copy of the NOID to the applicant's attorney of record.

On appeal, the applicant does not state a reason for the appeal and does not allege error on the part of the director. Instead, the applicant states that he was unable to timely respond to the NOID because he had departed the United States, for Bangladesh, on March 13, 2007, and returned to the United States on May 20, 2007. With his appeal, the applicant does not submit any new evidence, but provides evidence of his trip to and from Bangladesh. The applicant does not submit any new evidence on appeal.

It is noted that the applicant stated on the Notice of Appeal to the Administrative Appeals Office (AAO), Form I-290B, filed July 30, 2007, that an appeal brief will be submitted within 30 days. Counsel states that on August 1, 2007, the applicant submitted "all required documents that had been requested for his application." However, the record does not reflect receipt of an appeal brief, and/or additional evidence. Therefore, the record must be considered 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.

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