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U.S. Citizenship  
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[REDACTED]

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FILE:

[REDACTED]

Office: NEW YORK

Date: **FEB 27 2009**

consolidated herein]  
MSC 02 239 62043

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. 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.

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 in New York City. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be summarily dismissed.

On October 26, 2007 the director denied the application on the ground that the applicant failed to establish that he resided continuously in the United States in an unlawful status from before January 1, 1982 through May 4, 1988, as required under section 1104(c)(2)(B)(i) of the LIFE Act. The director cited the earlier Notice of Intent to Deny (NOID), dated September 20, 2007, and the applicant's response thereto, which consisted of a rebuttal from counsel addressing various evidentiary discrepancies and shortcomings discussed in the NOID. The director indicated that counsel's response did not satisfactorily address all of the evidentiary issues discussed in the NOID, and detailed the manner in which three specific questions from the NOID were not answered in full.

On appeal counsel asserts that the rebuttal submitted in response to the NOID "sufficiently addressed" the evidentiary issues raised therein. Counsel contends "that USCIS [United States Citizenship and Immigration Services] positions pre-NOID and post-NOID are conflicting," but does not further explain this charge or provide any example(s). Counsel requests that the AAO remand the case for a new decision by the director.

As provided 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, in conjunction with the NOID that preceded it, confirms that the director accurately set forth a legitimate basis for denial of the application. On appeal the applicant has not cited any specific error(s) in the director's decision, and has not presented any additional evidence. Instead of addressing the specific evidentiary issues the director discussed in the decision, counsel simply asserts that he already "sufficiently addressed" them in response to the NOID. In addition, while contending that the director's positions before and after the NOID are in conflict, counsel does not explain how. In short, counsel has not set forth a legal or factual basis for the appeal.

The AAO determines that the applicant's appeal is frivolous, within the meaning of 8 C.F.R. § 103.3(a)(3)(iv). In accordance with the regulation, therefore, the appeal will be summarily dismissed.

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