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U.S. Department of Homeland Security  
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U.S. Citizenship  
and Immigration  
Services

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FILE: MSC 01 284 60386

Office: BALTIMORE

Date: JAN - 5 2009

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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** On May 27, 2003, the Director, Baltimore, denied the application for permanent resident status under the Legal Immigration Family Equity (LIFE). The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director determined that the applicant failed to meet her burden of proof to establish that she was in unlawful status throughout the entire statutory period, from prior to January 1, 1982, through May 4, 1988. The director stated that holding a lawful non-immigrant visa at any point during those years renders the applicant ineligible for benefits under the LIFE Act. In an April 28, 2007, Notice of Intent to Deny (NOID), the director noted that as of the date of the NOID, there was no credible evidence suggesting that the applicant violated her non-immigrant status prior to January 1, 1982. The director noted that the record reflected that the applicant used her valid F-1 student visa to travel from the United States to Nigeria in 1982 and 1983. The director concluded that the applicant was in lawful non-immigrant status as a student until the spring of 1983, when she failed to register for a full course of study at St. Mary's University.

On part 3 of the Form I-290B, Notice of Appeal or Motion, filed on, counsel for the applicant stated the following was the basis for the applicant's appeal:

Petitioner met her burden of proof under the law; the Service abused its discretion, and the denial is against the weight of evidence for the reasons that will be enumerated in the brief to this notice of appeal.

Counsel did not allege any legal or factual error in the director's decision and did not submit additional documents. Although counsel indicated that he would submit a brief and/or additional evidence, as of the date of this decision, no additional evidence has been submitted, and the record will be deemed complete.

Any appeal that fails to state the reason for appeal 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.