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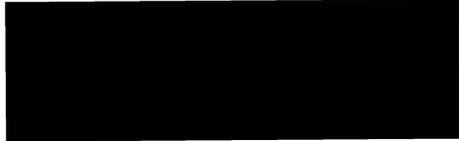
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

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FILE:



Office: NEW YORK

Date: **JAN 26 2009**

MSC 03 043 62170

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: SELF-REPRESENTED

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. Grisson, 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. 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 had failed to establish that he satisfied the "basic citizenship skills" requirement under section 1104(c)(2)(E) of the LIFE Act. The applicant was provided two opportunities to pass the English literacy and/or the United States history and government tests, but failed to pass the tests or submit relevant evidence as described in the regulations at 8 C.F.R. § 245a.17. The director noted that the applicant was first interviewed, on July 6, 2006, and on that occasion he failed to pass the test; and, the applicant failed to appear for a second interview which had been scheduled for January 5, 2007.

On appeal, the applicant states that he reported for the second interview, but, he was not interviewed and he was told to go home. The applicant does not state any other basis for the appeal. The applicant did not submit additional documents. Contrary to counsel's assertion, as noted above, the record reflects that the applicant's second interview was scheduled on January 5, 2007, and, there is no indication that the applicant reported for the scheduled interview. Furthermore, the record of proceedings does not reflect that the applicant submitted a request to reschedule the second interview. Without documentary evidence to support the claim, the applicant's assertions will not satisfy his burden of proof. The unsupported assertions do not constitute evidence. *Matter of Obaigbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Laureano*, 19 I&N Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980).

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 the director accurately set forth a legitimate basis for denial of the application. It is noted that the applicant indicated on his Form G-325A that he resided in Senegal from birth until December 1986. Therefore, the applicant could not establish the requisite continuous residence from prior to January 1, 1982. 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.