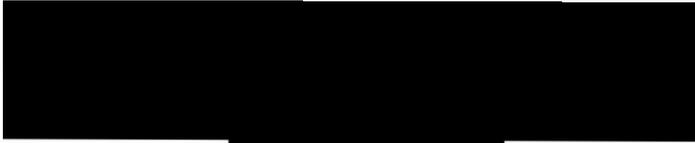


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U.S. Citizenship
and Immigration
Services

PUBLIC COPY



L2

FILE: MSC 02 002 60140

Office: NEW YORK

Date:

JUN 25 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. 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, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to demonstrate 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. Specifically, the director stated that the applicant failed to submit credible documents to establish his claim. In addition, the director noted several inconsistencies in the record.

On appeal, counsel, on behalf of the applicant, asserts that the director's denial failed to apply the proper evidentiary standard, preponderance of the evidence. Counsel requests a copy of the Record of Proceedings (ROP) and states that a brief or additional evidence will be submitted 30 days from receipt of the ROP. The record reflects that this request was processed on March 29, 2009. As of the date of this decision, no brief or additional evidence has been received; therefore, the record will be considered complete.

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 decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, counsel has not addressed the grounds stated for denial. Specifically, counsel has not addressed the issues raised by the director regarding the applicant's testimony in the record or the submitted affidavits, both of which lacked credibility. Nor has he presented additional evidence relevant to the grounds for denial or the stated reason for appeal. The appeal must therefore be summarily dismissed.

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