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U.S. Department of Homeland Security  
U. S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090

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U.S. Citizenship  
and Immigration  
Services

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FILE:

MSC 01 289 60026

Office: NEW YORK

Date: **MAY 01 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.

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, 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 his continuous physical presence from November 6, 1986 through May 4, 1988. The director noted that the applicant had been absent from the United States from July 8, 1987 to August 18, 1987, an absence of 40 days, which the director determined was not casual, brief, and innocent. The director also noted that the applicant claimed that his prolonged absence was due to his mother's illness, but he failed to establish that the absence was due to an "emergent" reason.

On appeal, counsel for the applicant states only that the director erred in denying the application; that the applicant has resided in the United States since July 1980 and has submitted credible affidavits from individuals who have known the applicant to have resided in the United States since 1980; and, that the applicant's absence was based on an emergency due to illness of the applicant's mother. Counsel does not submit any new evidence on appeal.

It is noted that counsel stated on the Notice of Appeal to the Administrative Appeals Office (AAO), Form I-290B, filed March 24, 2008, that an appeal brief will be submitted within 90 days. However, the record does not reflect receipt of an appeal brief. 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.