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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



U.S. Citizenship
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FILE:

MSC 03 217 60993

Office: LAS VEGAS

Date: MAY 04 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. 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, Las Vegas, Nevada. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be summarily dismissed.

An applicant for permanent resident status under section 1104 of the LIFE Act has the burden to establish by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States and is otherwise eligible for adjustment of status under this section. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. 8 C.F.R. § 245a.12(e).

The applicant filed a Form I-485, Application to Register Permanent Resident or Adjust Status, on May 5, 2003. The director denied the application on March 7, 2006, on the basis that the applicant failed to establish by a preponderance of the evidence that he entered the United States before January 1, 1982, and resided in a continuous unlawful status from then through May 4, 1988.

The applicant timely filed an appeal from the director's decision on March 20, 2007. On appeal, the applicant provides a brief statement asserting that the regulations allow for affidavits and testimony in lieu of other documentation prove his original entry and continuous physical presence in the United States and that the affiants who provided affidavits were willing and able to attest to the applicant's presence in the United States. The applicant submits no new evidence in support of his case on appeal.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed. Without specifically identifying any errors on the part of the director, the applicant's assertions on appeal are insufficient to overcome the well-founded and logical conclusions the director reached based on the evidence submitted contained in the record.

The applicant has failed to specifically address the well-founded reasons stated for denial and has not provided any new evidence on appeal. The appeal must therefore be summarily dismissed.

As always in these proceedings, the burden of proof rests solely with the applicant. Section 245a.2(d)(5) of the Act.

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