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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
and Immigration
Services

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FILE:

MSC 02 058 60652

Office: NEW YORK CITY

Date: MAY 06 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:

SELF-REPRESENTED

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 in New York City. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant, a native of Senegal who claims to have lived in the United States since 1981, filed his application for legal permanent resident status under the LIFE Act (Form I-485) on November 5, 2001. The director denied the application on September 1, 2007, on the grounds that the applicant did not submit sufficient credible evidence to establish that he entered the United States before January 1, 1982 and resided continuously in the country in an unlawful status through May 4, 1988. In particular, the director cited numerous inconsistencies and possible fraud in the documentation of record concerning the applicant's continuous residence in the United States during the 1980s as well as his initial date of entry into the United States, which undermined the overall credibility of all the applicant's evidence. The applicant timely appealed the decision to the AAO.

On his Form I-290B, Notice of Appeal, and an accompanying letter, the applicant asserts that the director did not apply the law as required by the constitution, that he had documented his presence in the United States since 1982. The applicant further asserted that he had been living and working in the United States for the past 25 years, that director's decision is "an unusual treatment to me and my U.S. Children who depend on me to provide for them," and requests that the director's decision be reversed. The applicant evades the evidentiary conflicts discussed by the director, however, offering no explanation for the numerous discrepancies and possible fraud set forth in the NOID. The applicant does not allege any legal or factual error in the director's decision and has submitted no new evidence bearing on the grounds for denial discussed in the decision. Humanitarian grounds are not a legal basis for granting permanent resident status under the LIFE Act. 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, or is patently frivolous, will be summarily dismissed. *See* 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. Nor has he addressed the fundamental bases for the denial – i.e., the conflicting and fraudulent documentation in the record.

The appeal must therefore be summarily dismissed.

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