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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 03 119 60822

Office: GARDEN CITY

Date:

**MAY 26 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, Garden City, 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 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. The director noted that the applicant failed to respond to the notice of intent to deny (NOID) wherein the director notified the applicant that he had failed to submit sufficient evidence to establish his entry and the requisite continuous residence.

It is noted that on his Notice of Appeal, Form I-290B, to the AAO, the applicant stated that he never received the Notice of Intent to Deny, dated July 25, 2007; however, he had received the director's decision, dated August 4, 2007. Accordingly, on March 3, 2009, the AAO mailed a copy of the Notice of Intent to Deny to the applicant, and the applicant's attorney of record. The AAO mailed the NOID to the applicant's address of record, which is the address above, and the same address to which the denial notice was mailed. The applicant was instructed to respond to the Notice of Intent to Deny letter with any additional evidence or statement he wished to provide within 30 (thirty) *days* to the AAO. The NOID was returned for an updated address. On March 24, 2008, the AAO re-mailed the NOID to the applicant. However, that copy of the NOID was also returned as undeliverable. It is also noted that the copy of the NOID sent to the applicant's attorney was also returned as undeliverable. As of this date the record does not reflect receipt of a response to the NOID. Therefore, the record must be considered complete.

On appeal, the applicant does not allege error on the part of the director. Instead, the applicant states only that did not receive the NOID. However, as noted above the record reflects that the AAO provided additional copies of the NOID to the applicant at his address of record, and they were returned as undeliverable. The applicant does not submit any new evidence on appeal.

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.