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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:



Office: NEW YORK Date:

MSC 02 204 64647

NOV 16 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.

Perry Rhew
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, 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 provide additional evidence in response to a notice of intent to deny (NOID), and denied the application for the reasons stated in the NOID. It is noted that in the NOID the director stated that the applicant testified during his interview on April 27th 2004, that he had been absent from the United States for over 60 days in 1988, and that the applicant had not established that his prolonged absence was due to an emergent reason. The director determined that the applicant had a prolonged absence of over 45 days; therefore, the applicant could not establish the requisite continuous residence.

On appeal, the applicant does not state a reason for the appeal and does not allege error on the part of the director. Instead, the applicant states only that the director abused discretion. 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.

It is noted that the applicant's Federal Bureau of Investigation (FBI) fingerprint results report, reflects an arrest for the applicant. On August 9, 1995, the applicant was arrested by the Police Department of New York, and charged with "aggravated unlic oper vehic 3." The report also indicates that the applicant was convicted on a guilty plea, was conditionally discharged, fined \$750, and ordered to perform 4 days community service. The final court disposition for this arrest is not in the record of proceeding.

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