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



U.S. Citizenship  
and Immigration  
Services

L2

[REDACTED]

FILE:

[REDACTED]

Office: IRVING

Date:

DEC 20 2010

IN RE:

Applicant:

[REDACTED]

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:

[REDACTED]

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.

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Irving denied the application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act and certified her decision to the Administrative Appeals Office (AAO) on appeal. The director's decision will be affirmed.

The director denied the application based on the determination that the applicant was ineligible to adjust to permanent resident status under the provisions of the LIFE Act. The director found that the applicant had not satisfied the requirements of section 312(a) of the Act relating to basic citizenship and English skills. The applicant appealed the decision and the AAO remanded, indicating that the applicant had provided sufficient evidence that he was enrolled in a basic citizenship course, however, the AAO noted that the applicant failed to establish that he entered the United States prior to January 1, 1982 and that he resided continuously in the United States for the duration of the relevant period. The AAO instructed the director to issue a certified decision addressing the merits of the applicant's claim of continuous residence.

On February 6, 2008 the director issued a Notice of Intent to Deny (NOID) indicating that the applicant testified that he departed the United States in May 1987 and did not return until March 1988, approximately 300 days later. The director noted that the applicant's absence constituted a break in any continuous residence that the applicant may have established. The applicant failed to respond to the NOID and on May 7, 2008 the director issued a certified decision denying the application, and notifying the applicant of his right to submit a brief or statement in support of his application. The applicant failed to submit any response to either the NOID or the certified denial.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal which is filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals 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 grounds stated for denial. The appeal must therefore be summarily dismissed.

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