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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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Services

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FILE:

Office: HOUSTON

Date: JUL 07 2010

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.

Chief, Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Houston, Texas 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. Specifically, the director noted that on September 26, 1987, the applicant was admitted to the United States as a conditional resident (CR-1) under A-file number 41 842 691. Thus, the director indicated that the applicant was in lawful status from September 1987 throughout the end of the relevant period. The director issued the Notice of Denial on January 9, 2006.

In response to the Notice of Intent to Deny (NOID), the applicant indicates that he does not dispute the findings of the director. He does not indicate that he violated his conditional resident status, or that his status as a CR-1 was based on marriage fraud or mistake.

On appeal, the applicant indicates that his September 1987 entry in conditional resident status did not render him ineligible for legalization benefits. He indicates that he will submit a brief in support of his appeal following the receipt of the record of proceedings under the Freedom of Information Act (FOIA). His request was fulfilled on July 29, 2009, however, no additional evidence or brief has been received.¹

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.

¹ NRC2008060684