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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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[Redacted]

FILE: [Redacted]  
MSC 02 246 62917

Office: LOS ANGELES

Date: DEC 03 2007

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. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if your case 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.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Los Angeles, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The district director denied the application because the applicant had not established that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988.

The applicant submitted insufficient evidence to credibly document his continuous residence in an unlawful status and his continuous presence in the United States during the relevant period. Consequently, on September 11, 2006, the district director issued a Notice of Intent to Deny (NOID) the application, and afforded the applicant 30 days in which to overcome or rebut the proposed bases for denial. The applicant failed to respond to this notice. Consequently, the director denied the application on November 30, 2006.

On appeal, counsel for the applicant submitted Form I-290B with the following statement:

IN SUPPORT OF A REQUEST FOR ADJUSTMENT OF STATUS UNDER THE LEGAL IMMIGRATION FAMILY EQUITY (LIFE ACT) AND LIFE ACT AMENDMENTS, THE APPLICANT HAS PROOF OF HIS CONTINUOUS PRESENCE IN THE UNITED STATES FROM BEFORE JANUARY 1, 1982 THROUGH MAY 4, 1988. WITHIN 30 DAYS OF THIS NOTICE THE APPLICANT WILL BE SUBMITTING SAID PROOF.

This brief statement on the Form I-290B failed to adequately address the director's conclusions. The director provided a detailed analysis and specifically cited the deficiencies in the evidence in the course of the denial. Counsel's general objection on the Form I-290B, without specifically identifying any errors on the part of the director, is simply insufficient to overcome the well-founded and logical conclusions the director reached based on the evidence submitted by the applicant. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

Furthermore, despite counsel's claim that he would send a brief with the necessary evidence to the AAO within thirty days, there is no indication or evidence that the applicant ever submitted a brief and/or evidence in support of the appeal with the Service or with the AAO.<sup>1</sup> As stated above, absent a clear statement, brief and/or evidence to the contrary, the applicant does not identify, specifically, an erroneous conclusion of law or statement of fact. Hence, the appeal must be summarily dismissed. See 8 C.F.R. § 103.3(a)(1)(v).

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<sup>1</sup> On October 25, 2007, the AAO sent a fax to counsel. The fax advised counsel that no evidence or brief had been received in this matter and requested that counsel submit a copy of the brief and/or additional evidence, if in fact such evidence had been submitted, within five business days. As of the date of this decision, the AAO has received no response from counsel or the applicant.

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The applicant has failed to address the reasons stated for denial and has not provided any additional evidence on appeal. The appeal must therefore be summarily dismissed.

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