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FILE: [REDACTED]
MSC-03-247-63781

Office: SACRAMENTO, CA

Date: **OCT 30 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. 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.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for Permanent Resident Status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Sacramento, California District Office, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

An applicant for Permanent Resident Status must establish entry into the United States before January 1, 1982 and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. 8 C.F.R. § 245a.11(b). The regulation at 8 C.F.R. § 245a.15(c)(1) further states that an applicant shall be regarded as having continuously resided in the United States if no single absence from the United States has exceeded forty-five (45) days, and the aggregate of all absences has not exceeded one hundred and eighty (180) days during the requisite period unless the applicant can establish that his or her return was untimely due to emergent reasons. The regulation at 8 C.F.R. § 245a.12(e) states that applicants for adjustment of status to that of a Legal Permanent Resident under this section bear the burden of establishing that they have resided continuously in the United States for the duration of the requisite period by a preponderance of the evidence.

The director concluded the applicant did not establish by a preponderance of the evidence that he maintained continuous residence in the United States for the duration of the requisite period. In his decision, he noted that the applicant's brother submitted an affidavit asserting that the applicant was residing continuously in the United States during the requisite period, yet Service records showed that this same brother, [REDACTED] submitted an application for asylum to the Service on which he indicated that the applicant was in jail in India in 1985. Therefore, the director found that doubt was cast on the statement from the applicant's brother regarding the applicant's continuous residence in the United States for the duration of the requisite period. The director went on to say that the applicant failed to meet his burden of proof pursuant to the regulations at 8 C.F.R. § 245a.11(b) and 8 C.F.R. § 245a.11(c) and for that reason he denied the application.

On appeal, the applicant submits a Form I-290B on which he states that he has previously submitted all available documentation in support of his application. He asserts that the statement from his brother regarding his residency is true.

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. 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.