## STATEMENT OF THE ISSUES

I. Whether The Board Of Immigration Appeals' Dismissal Of The Appeal From

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and an abuse of discretion. Cross motions for summary judgment were filed by the parties and on May 14, 2000, the Honorable Lawrence O. Davis granted the appellees' motion and denied appellants' finding the decision was neither arbitrary

## FACTS RELEVANT TO THE ISSUE PRESENTED FOR REVIEW

## SUMMARY OF THE ARGUMENT

The findings of the BIA were not arbitrary, capricious, an abuse of discretion nor contrary to the law. The resolution of the status of an alien lies with

standard of review for the BIA's decision to deny plaintiffs' I-130 petition is set

may reverse an INS denial of a preference classification only if the INS abused its discretion").

have failed to present any credible evidence establishing the true identity of Mr. Sathekge or his eligibility to marry, it was not arbitrary, capricious, an abuse of

The appellants have presented several different identities to the INS, using several different names, birth dates, and countries of birth, but curiously never submitted evidentiary support for any of those identities. The appellees submit they cannot all be his true identities. As previously set forth, in visa proceedings, the burden

acquiring immigration benefits.

The appell 36' contention that because the INS "is confident enough that it

## **CONCLUSION**