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Citizenship and Immigration Services

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LA

ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street N.W.
Washington, D. C. 20536

[REDACTED]

File # [REDACTED]

Office: National Benefits Center

Date: **NOV 25 2003**

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: Attached is the decision rendered on your appeal. The file has been returned to the National Benefits Center that processed 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
for

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, Missouri Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application as the applicant had been found inadmissible under section 212(a)(6)(C)(ii) of the Immigration and Nationality Act (INA), because she had made a false claim to United States citizenship.

On appeal, the applicant states that she did not falsely represent herself to be a citizen to benefit any immigration, federal or state law. According to the applicant she was fleeing to save her life from prosecution because of her political belief and association.

An applicant for permanent resident status under the provisions of the LIFE Act must establish that he or she is admissible to the United States as an immigrant, except as otherwise provided under section 245A(d)(2) of the INA. Section 1140(c)(2)(D)(i) of the LIFE Act.

The director may have been correct in stating that the applicant is inadmissible under section 212(a)(6)(C)(ii) of the INA. However, such ground of inadmissibility may be waived pursuant to section 245A(d)(2) of the INA.

The applicant was interviewed upon her arrival at Miami International Airport on November 7, 1999. Her statement was recorded on a Form I-867A, Record of Sworn Statement in Proceedings under Section 235(b)(1) of the Act. The applicant was asked if she had ever been in the United States before. Under oath, she responded, "No. This is my first time coming into the United States." Similarly, on her Form I-589, Application for Asylum and Withholding of Removal, the applicant indicated that she was self-employed as a merchant in Haiti from September 1996 to February 2000 and that she last entered the United States on March 19, 2000. On April 4, 2000, the applicant was also placed under oath and interviewed at the Krome detention facility. She was asked again when she arrived in the United States. She responded, "March 19, 2000." She was then asked if this was her first trip to the United States and she responded, "Yes."

Pursuant to 8 C.F.R. § 245a.11(b), each applicant for permanent residence under section 1104 of the LIFE Act must demonstrate that he or she entered the United States prior to January 1, 1982 and resided in this country since that date. In her own words, the applicant did not begin residing in the United States in time to now qualify for permanent residence in the LIFE program.



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