



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

APR 27 2004

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:

Self-represented

PUBLIC COPY

**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

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. Any further inquiry must be made to that office.

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 on appeal. The matter will be remanded for further consideration and action.

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 (the Act), because she had made a false claim to United States citizenship.

On appeal, the applicant asserts that she was not aware of the seriousness of the violation committed. The applicant requests that her application be reconsidered.

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

The record reflects that on April 2, 2001, the applicant applied for admission into the United States by presenting a birth certificate from the state of Texas. The applicant was found inadmissible under section 212(a)(7)(A)(i)(I) of the Act, and was processed for Expedited Removal. The applicant was served with Form I-860, Notice and Order of Expedited Removal and was expeditiously removed from the United States pursuant to section 235(b)(1) of the Act. The applicant indicated on her LIFE application that she re-entered the United States without lawful admission on December 6, 2001.

The fact that the applicant was removed under section 212(a)(7)(A)(i)(I) of the Act, and then reentered without permission under section 212(a)(9) of the Act, renders her inadmissible. However, such grounds of inadmissibility may be waived pursuant to section 245A(d)(2) of the Act; 8.C.F.R. § 245a.18(c).

Accordingly, the director shall accord the applicant the opportunity to file an application for waiver of inadmissibility regarding sections 212(a)(6)(C)(ii) and 212(a)(9) of the Act. When adjudication of the waiver application is complete, the application for permanent resident status shall be adjudicated.

ORDER: This matter is remanded for further action and consideration pursuant to the above.