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U.S. Department of Homeland Security  
20 Mass Ave., N.W., Rm. A3042  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date: DEC 03 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:

[Redacted]

PHOTOCOPY

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 District Director, Los Angeles, California, 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 demonstrated that she had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988.

On appeal, counsel asserts that the applicant has submitted sufficient documentation to evidence her presence in the United States from before January 1, 1982.

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).

An applicant for permanent resident status under section 1104 of the LIFE Act has the burden to establish by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States and is otherwise eligible for adjustment of status under this section. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. 8 C.F.R. § 245a.12(e).

Furthermore, under section 1104(c)(2)(B)(i) of the LIFE Act each applicant for permanent resident status must establish that he or she entered and commenced residing in the United States *prior to January 1, 1982*.

The applicant has presented sufficient evidence to establish her continuous residence in the United States from February 1985 through May 4, 1988. The documentation, however, presented in an attempt to establish the applicant's residence before January 1, 1982 through January 1985 has no evidentiary weight or probative value. The record reflects that the applicant filed an asylum application, Form I-589, on June 3, 1988, and on the applicant's G-325A Biographic Information Form, the applicant indicated that she resided in her native Mexico until February 1985. Further, the applicant listed no address in the United States prior to February 1985 on the G-325A.

Given the applicant's inability to meet the statutory requirement of residence in the United States since before January 1, 1982 and resided continuously through January 1985, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

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