U.S. Department of Homeland Security
20 Massachusetts Ave. NW, Rm. A3042
Washington, DC 20529

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: Los Angeles, California Date: OCT 1 2 2001

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

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the Los Angeles District Office. 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

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identifying data deleted to prevent clearly unwarranted invasion of personal privacy

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director in Los Angeles, California. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The district director concluded that the applicant failed to establish that she entered the United States before January 1, 1982 and resided in this country continuously in unlawful status through May 4, 1988. In particular, the district director found that the applicant was admitted to the United States as an F-1 non-immigrant (student visa) on August 20, 1981 until July 20, 1983, and that the applicant's visa was updated and converted to a "duration of status" as of October 3, 1984. Thus, the applicant's authorized period of admission did not expire before January 1, 1982, as specified in 8 C.F.R. § 245a.15(d)(2)(ii), and she did not reside in the United States in an unlawful status before that date. Though the applicant claimed to have violated her F-1 status by accepting employment as a part-time babysitter prior to January 1, 1982, the district director found that the employment was not known to the Government at the time and therefore did not constitute a violation of status, as specified in 8 C.F.R. § 245a.15(d)(2).

On appeal the applicant submitted a photocopies of a letter and declaration dated January 6, 2004 which had been submitted previously in response to the notice of intent to deny, as well as materials documenting her residence and employment in the State of California in the years 1986-1988.

An applicant for permanent resident status under section 1104 of the LIFE Act must establish that he or she entered the United States before January 1, 1982 and resided in this country continuously in an unlawful status from before January 1, 1982 through May 4, 1988. *See* section 1104(c)(2)(B)(i) of the LIFE Act and 8 C.F.R. § 245a.11(b). If the applicant entered the United States lawfully before January 1, 1982, he or she must establish that such lawful status expired before January 1, 1982 or that the lawful status was violated and such violation was known to the Government by January 1, 1982. *See* section 1104(c)(2)(B)(ii) of the LIFE Act and 8 C.F.R. § 245a.15(d)(2). As explained in the regulations: "Known to the Government means documentation existing in one or more Federal Government agencies' files such that when such document is taken as a whole, it warrants a finding that the alien's status in the United States was unlawful." *Id.*

None of the documentation submitted on appeal undermines the district director's findings that the applicant entered the United States with an F-1 visa in August 1981 and remained in lawful status for years after January 1, 1982. The applicant asserts that she departed the United States and returned on several occasions between 1981 and 1986 with a nonimmigrant visa that was only a "facially valid" (and thus did not interrupt her unlawful status) because she intended to stay in the United States from the very beginning. Whatever her original intent may have been, the fact remains that the applicant resided in the United States in lawful F-1 status well after January 1, 1982. As previously mentioned, there is no evidence that the government knew about any unauthorized babysitting employment the applicant may have had prior to January 1, 1982. According to the evidence of record, the earliest the Government knew about any employment by the applicant, authorized or unauthorized, was 1984. That was the first year the Social Security Administration records the applicant as having worked.

Thus, the applicant has failed to establish that she resided in the United States in *continuous unlawful status from before January 1, 1982* through May 4, 1988, as required under section 1104(c)(2)(B)(i) and (ii) of the LIFE Act.

Accordingly, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

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