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U.S. Citizenship
and Immigration
Services

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FILE:



Office: LOS ANGELES

Date: FEB 18 2005

IN RE:

Applicant:



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. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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, the applicant asserts, "please excuse all the mistakes I've done in filing my application. I've been confused and nervous [sic] since my interview."

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).

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 record reflects that on October 1, 1992, the applicant filed a Form I-589, Request for Asylum in the United States. During her interview, the applicant indicated that she resided with her aunt and worked in Manila from 1976 until 1990. On the applicant's G-325A Biographic Information Form, the applicant indicated that she resided in her native Philippines from November 1950 until February 1990. The applicant listed no address or employment in the United States prior to 1990.

In a personal statement, received by the district office on April 9, 2004, the applicant admitted "I came here in the United States in the year 1991." In addition, in another personal statement, received by the district office on April 22, 2004, the applicant asserted, "I don't really know how to answer this letter not knowing what will happen next. I hope you will give some consideration I can give you the true information regarding myself and how I am here in this country." The applicant stated that she was granted a B-1/B-2 visa in Vancouver, Canada on July 2, 1991, returned to the Philippines on July 8, 1991, and entered the United States on July 26, 1991. The applicant submitted a copy of her passport, which corroborated her statement.

Because the applicant acknowledges that she did not enter and begin residing in United States prior to January 1, 1982, as required in section 1104(c)(2)(B)(i) of the Act, 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.