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U.S. Citizenship
and Immigration
Services

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FILE:



Office: HOUSTON

Date:

JAN 24 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.

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, Houston, Texas, 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 he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988.

On appeal, the applicant requests that his application be reconsidered even though his first entry into the United States was subsequent to 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).

At the time of his interview on June 14, 2003, the applicant admitted in a sworn statement that he first entered the United States at the age of 17. The applicant's birth certificate lists his date of birth as January 7, 1968, and therefore would not have entered the United States until 1985. As such, the applicant was not residing in the United States prior to January 1, 1982. Further, the applicant indicated on his Form G-325A, Biographic Information that he resided in his native Mexico from 1968 until 1987.

On appeal, the applicant submits copies of documents that relate to another applicant who filed a LIFE application. The applicant contends that the individual's application is similar to his and has been approved.

The applicant, however, cites no statute or regulation that compels CIS to approve an application where the statutory requirement has not been met. It must be noted that each individual case is ultimately decided on its own merits and based on its own record of proceeding.

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

Beyond the decision of the director, it must be noted that the applicant provided several court dispositions, which revealed that he had been convicted of at least three misdemeanor offenses, thereby rendering the applicant ineligible for the benefit being sought.

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