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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE:



Office: LOS ANGELES

Date:

JUL 07 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 director concluded that 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, based on his sworn testimony at the time of his interview. Accordingly, the director denied the application.

On appeal, the applicant asserted that he would submit a brief/and or evidence within 30 days. Subsequently, the applicant submitted a statement asserting he 'was confused as to the proper procedure.'" The applicant stated in part:

During my interview, I understood that I would received another interview but that I would received a letter first indicating what I would need for the second interview. When I received the letter, I started looking for further evidence because I knew that soon after I would receive the interview to show what was indicated on the letter. I go confussed [sic] and believed [sic] that the 30 days were only to get documents ready for the interview. When the second letter arrived, I asked for help and took the letter to an immigration consultant. I then realized that I had been wrong and that I was totally confussed [sic].

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).

In an attempt to establish continuous unlawful residence since before January 1, 1982 through May 4, 1988, the applicant provided affidavits from acquaintances who attested to the applicant's residence in the United States since November 1981 along with an affidavit from an employer who attested to the applicant's employment since December 1981.

However, at the time of his LIFE interview, through an interpreter, the applicant admitted in a sworn statement that he first entered the United States on January 1, 1982. As such, the affidavits attesting to the applicant's residence prior to January 1, 1982 have no evidentiary weight or probative value.

The director, in her Notice of Intent to Deny issued on May 24, 2004, informed the applicant of his sworn statement; however, the applicant has not addressed this matter.

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.

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