

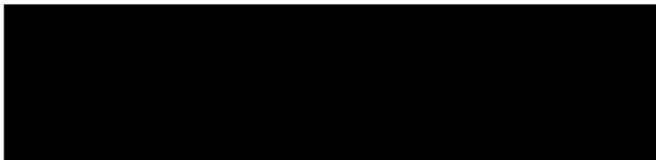
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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



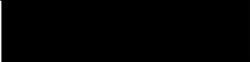
U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: LOS ANGELES

Date:

**FEB 28 2008**

MSC 02 250 62918

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. If your appeal was sustained, or if your case 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.

A handwritten signature in cursive script, appearing to read "Eric Galda".

Robert P. Wiemann, Chief  
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, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

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).

The applicant submitted insufficient evidence to credibly document his continuous residence in an unlawful status and his continuous presence in the United States during the relevant period. Specifically, the district director found that the applicant's testimony supported a finding that he had not entered the United States prior to January 1, 1982 as required by the regulations. Consequently, the district director issued a Notice of Intent to Deny (NOID) the application on February 6, 2006, and afforded the applicant 30 days in which to submit credible evidence to overcome the director's findings. The applicant failed to respond, and the application was denied on March 4, 2006.

The applicant appealed the director's decision, but failed to sign Form I-290B, Notice of Appeal to the Administrative Appeals Office (AAO). The regulations provide that every application, petition, appeal, motion, request, or other document submitted on the form prescribed by the Department of Homeland Security regulations shall be executed and filed in accordance with the instructions on the form; and the instructions are incorporated into the particular section of the regulations requiring its submission. 8 C.F.R. § 103.2(a)(1). Form I-290B includes the following instructions:

You or your legal representative must sign and submit the Form I-290B.

Any Form I-290B that is not signed or accompanied by the correct fee, will be rejected with a notice that the Form I-290B is deficient. If completed timely, you may correct the deficiency and resubmit the Form I-290B. However, an appeal or motion is not considered properly filed until accepted by USCIS.<sup>1</sup>

In this case the Form I-290B is not signed by the applicant. As the appeal has not been signed and filed by the applicant or by any authorized representative, the appeal is deficient and has not been properly filed. The appeal, therefore, must be rejected.

**ORDER:** The appeal is rejected.

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<sup>1</sup> Note, however, that a rejected application or petition will not retain a filing date. 8 C.F.R. § 103.2(a)(7). As Form I-290B must be filed within 30 days of the notice of decision, it would not be possible to timely resubmit the Form I-290B in this case.