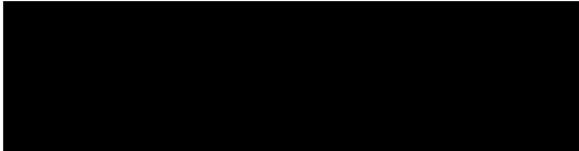




U.S. Citizenship
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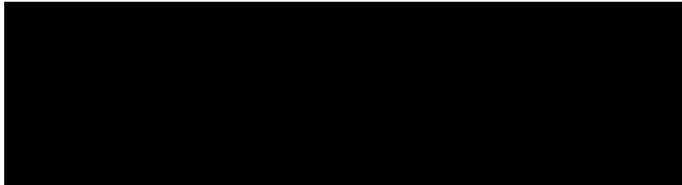
Office: HOUSTON, TEXAS

Date: JAN 22 2008

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:



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 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, Chief
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the late legalization provisions of the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Houston, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The district director determined that the applicant had not established that he resided in the United States in a continuous unlawful status from before January 1, 1982 through May 4, 1988; as required by section 1104(c)(2)(B) of the LIFE Act. Specifically, the director found that the applicant provided contradictory testimony regarding the manner in which he first entered the United States and that the preponderance of the evidence indicated that the applicant had not entered the United States until after January 1, 1982.

On appeal, counsel asserted that the applicant did maintain continuous unlawful residence in the United States during the statutory period. Counsel also suggested that the Citizenship and Immigration Services (CIS) officer had misinterpreted the applicant's testimony regarding his first entry into the United States, and that this testimony was consistent. Counsel indicated that the affidavits and statements which the applicant submitted into the record as well as the copies of envelopes addressed to the applicant at an address in Texas and postmarked in Pakistan during the statutory period established the applicant's continuous unlawful presence during the statutory period.

To be eligible for adjustment to permanent resident status under the LIFE Act, the applicant must establish his or her continuous, unlawful residence in the United States from before January 1, 1982 through May 4, 1988, as well as continuous physical presence in the United States from November 6, 1986 through May 4, 1988. Section 1104(c)(2)(B) of the LIFE Act states in relevant part:

- (i) In General – The alien must establish that he or she entered the United States before January 1, 1982, and has resided continuously in the United States in an unlawful status since such date and through May 4, 1988. In determining whether an alien maintained continuous unlawful residence in the United States for purposes of this subparagraph, the regulations prescribed by the Attorney General under section 245A(g) of the Immigration and Nationality Act (INA) that were most recently in effect before the date of the enactment of this Act shall apply.

See also 8 C.F.R. § 245a.11(b).

The regulation at 8 C.F.R. § 245a.15(c) provides in relevant part that an alien shall be regarded as having resided continuously in the United States if:

- (1) No single absence from the United States has exceeded forty-five (45) days, and the aggregate of all absences has not exceeded one hundred and eighty (180) days between January 1, 1982, and May 4, 1988, unless the alien can establish that due to emergent reasons, his or her return to the United States could not be accomplished within the time period allowed.

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 "preponderance of the evidence" standard requires that the evidence demonstrate that the applicant's claim is "probably true," where the determination of "truth" is made based on the factual circumstances of each individual case. *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm. 1989). In evaluating the evidence, *Matter of E-M-* also states that "[t]ruth is to be determined not by the quantity of evidence alone but by its quality." *Id.* Thus, in adjudicating the application pursuant to the preponderance of the evidence standard, the director must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.

Even if the director has some doubt as to the truth, if the petitioner submits relevant, probative, and credible evidence that leads the director to believe that the claim is "probably true" or "more likely than not," the applicant or petitioner has satisfied the standard of proof. *See U.S. v. Cardozo-Fonseca*, 480 U.S. 421 (1987) (defining "more likely than not" as a greater than 50 percent probability of something occurring). If the director can articulate a material doubt, it is appropriate for the director to either request additional evidence, or if that doubt leads the director to believe that the claim is probably not true, deny the application or petition.

Although the regulations provide an illustrative list of contemporaneous documents that an applicant may submit, the list also permits the submission of affidavits and any other relevant document. *See* 8 C.F.R. § 245a.2(d)(3)(vi)(L).

Here, the submitted evidence is not relevant, probative and credible.

The record indicates that on or near August 9, 1990, the applicant applied for class membership in a legalization class-action lawsuit and filed Form I-687, Application for Status as a Temporary Resident. On May 30, 2002, the applicant filed Form I-485, Application to Register Permanent Resident or Adjust Status, under section 1104 of the LIFE Act.

The record contains the following documents relating to the applicant's claim that he resided continuously in the United States from a date prior to January 1, 1982 through May 4, 1988:

1. Notes from the March 29, 2004 sworn testimony taken during the applicant's LIFE late legalization interview, which indicate that the applicant testified that he first entered the United States during January 1981 without inspection through Buffalo, New York and that he crossed this border while riding as a passenger in an automobile. The notes indicate that the applicant went on to testify that he walked across the border into Buffalo, New York without being inspected when he first entered the United States and that later he was picked up by a vehicle which brought him to Houston, Texas where he has continuously resided since 1981.
2. Notes from the March 29, 2004 sworn testimony taken during the applicant's LIFE late legalization interview, which indicate that the applicant testified that the first time that he exited the United States was during July 1984 at which time he traveled to Pakistan, he married his wife and he remained in Pakistan for one to two months. He also testified that subsequent to this exit, he reentered the United States in the same manner as he had entered in 1981.

3. The copy of the applicant's marriage certificate in the file which indicates that in Pakistan on August 21, 1984 the applicant married using the name [REDACTED] which is also the name that appears on the copy of the applicant's birth certificate in the record.
4. Notes from the March 29, 2004 sworn testimony taken during the applicant's LIFE late legalization interview, which indicate that the applicant testified that the second time that he exited the United States was during February 1986 at which time he visited his family in Pakistan for one month to 45 days. He also testified that subsequent to this exit, he reentered the United States in the same manner as he had entered in 1981.
5. The Form I-485, Application to Register Permanent Residence or Adjust Status, Part 3B, page 2 where the applicant indicates that his two children, [REDACTED] and [REDACTED] were born in Pakistan on June 9, 1985 and March 6, 1987, respectively. Notes from the March 29, 2004 sworn testimony taken during the applicant's LIFE late legalization interview, which indicate that the applicant testified that his wife and children have never been to the United States.
6. Notes from the March 29, 2004 sworn testimony taken during the applicant's LIFE late legalization interview, which indicate that the applicant testified that the third time that he exited the United States was during 1989 at which time he remained in Pakistan for three months. He also testified that in 1989 he reentered the United States using a B2 visitor's visa. The applicant indicated that he had not entered in this manner previously because prior to 1989 he was not able to find an agent who knew what the U.S. Embassy in Pakistan would ask of him when applying for a visa and knew to use fraudulent Pakistani employment letters to allow him to obtain a visa.
7. Notes from the March 29, 2004 sworn testimony taken during the applicant's LIFE late legalization interview, which indicate that the applicant testified that the fourth and final time that he exited the United States was during 1991. He also testified that at this time he obtained an Advance Parole document that he used to reenter the United States.
8. The Form I-687, Application for Status as a Temporary Resident, which was submitted to and reviewed by the Immigration and Naturalization Service (now CIS) before the applicant on August 9, 1990, and which the applicant signed under penalty of perjury, but failed to date. At item #35 of this form, where the applicant was to list all his absences from the United States going back to January 1, 1982, the applicant stated that he first exited the United States during August 1984 and then returned to this country during August 1984; that he exited the United States during June 1986 and then returned to this country during June 1986; and that he exited the United States during November 1987 and then returned to this country during December 1987. When reviewing these exits and entries, the immigration officer added to the information on the form, based on the applicant's testimony, that when he reentered the United States in 1984, 1986 and 1987, he entered without inspection. The applicant did not testify at that time that he had made an additional exit and entry during 1989. At item #16 of that form, the applicant indicated that his most recent entry into the United States had been on December 28, 1987.

9. The affidavit of [REDACTED] notarized on August 7, 1990 in Karachi, Pakistan in which the affiant attested to having personal knowledge that the applicant visited Pakistan during August 1984 through September 1984.
10. The statement of [REDACTED] which a notary stamped on August 8, 1990. This statements includes altered handwritten information. [REDACTED] indicated that the applicant traveled to Pakistan during August 1984. He also apparently indicated the month and year that the applicant returned to the United States but this handwritten entry has been written over and partially scratched out. The statement in its current form indicates that the applicant returned to the United States during September 1984. The original information entered on this statement is not legible. This office shall not view a document with erasures and scratched-out information as a valid affidavit. In this statement, [REDACTED] also indicated that he met the applicant during 1981. He did not indicate where he met the applicant or that he had personal knowledge as to whether the applicant resided continuously in the United States during the statutory period.
11. The affidavit of [REDACTED] notarized on August 7, 1990 in Karachi, Pakistan in which the affiant attested to having personal knowledge that the applicant was in Pakistan from June 3, 1986 through June 20, 1986.
12. The affidavit of [REDACTED] notarized on August 7, 1990 in Karachi, Pakistan in which the affiant attested to having personal knowledge that the applicant was in Pakistan from November 1987 through December 1987.
13. The affidavit of [REDACTED] notarized on August 7, 1990 in Harris County, Texas in which the affiant attested that she met the applicant during 1981. She does not indicate where she met him. She also attested that the applicant traveled to Pakistan from November 1987 through December 1987. The affiant made no assertion that she had personal knowledge as to whether the applicant resided continuously in the United States during the statutory period.
14. Notes from the March 29, 2004 sworn testimony taken during the applicant's LIFE late legalization interview, which indicate that the applicant testified that he worked as a handyman when he first arrived in the United States and that he had different odd jobs after that. He also testified that his first stable job in the United States was at Agha Enterprises which he began in 1989 or 1990.
15. The Form G-325A, Biographic Information, and an attachment which includes additional information which the applicant could not fit onto the form itself, submitted in connection with the filing of the Form I-485 and signed by the applicant on May 10, 2002, under the warning that "severe penalties are provided by law for knowingly and willfully falsifying or concealing a material fact" on that form. On the attachment to that form, the applicant stated that from July 1983 through October 1989, he was a salesperson at [REDACTED] Houston, Texas.

16. The Form I-687 at item #36 where the applicant stated that he worked as a salesperson at [REDACTED] Houston, Texas from July 1983 through December 1984.
17. The affidavit of [REDACTED] Former Manager of [REDACTED], Houston, Texas that was notarized on March 22, 1990 in which the affiant attested that the applicant was a part-time employee at King Super Drugs from December 7, 1983 through September 26, 1984.
18. The Notice of Intent to Deny (NOID) dated August 12, 2004 in which the director summarized for the applicant the notes from his sworn testimony dated March 29, 2004. This summary includes the applicant's inconsistent testimony regarding the manner in which he first entered the country, and his testimony regarding his dates of departure and reentry into the United States as provided to the CIS officer on March 29, 2004 and summarized above.
19. The rebuttal to the NOID dated September 13, 2004 in which the applicant indicated that the reason that the affidavits in the record were not amenable to verification was because during the many intervening years since those documents were written the affiants had changed telephone numbers. Also the applicant requested that his application be approved for humanitarian reasons. He indicated that for years he has had to live apart from his wife and children and that his case should be approved so that his family might be reunited.
20. The affidavit of [REDACTED] of Houston, Texas dated August 8, 1990 in which the affiant attested that he had firsthand knowledge that the applicant made a trip to Pakistan during June 1986 and that he returned to the United States on June 26, 1986.
21. The Form I-687 at item #33 where the applicant stated that from January 1981 through November 1984 he lived at [REDACTED], Houston, Texas; and from December 1984 through August 1987 he lived at [REDACTED], Houston, Texas.
22. The Form G-325A on which the applicant stated that from January 1981 through November 1984 he lived at [REDACTED] Houston, Texas; and from December 1984 through August 1987 he lived at [REDACTED], Houston, Texas.
23. Three documents which purport to be original rent receipts made out to the applicant, all three of which bear the same landlord's signature and bear the dates: February 4, 1984, June 3, 1984 and August 5, 1985, respectively. The receipts include the following notations: "rent for Feb.," "rent for June" and "rent for August," respectively. The rent receipts do not identify the address or apartment for which rent has been paid. These identical receipt forms which bear the same landlord's signature tend to suggest that the receipts were generated by the same rental property and landlord. However, the Form I-687 and the Form G-325A both indicate that during December 1984, the applicant moved from a home at [REDACTED] in Houston to [REDACTED] in Houston which is located approximately 1 1/5 mile

from [REDACTED]. Thus, it is unclear why the August 5, 1985 rent receipt supposedly issued by the landlord at [REDACTED] bears the same landlord's signature and is an identical receipt form to those dated during February and June 1984, when the applicant claimed to have been living at [REDACTED].

24. The copies of the front side of seven envelopes which are addressed to the applicant at [REDACTED] [REDACTED] Houston, Texas, which appear to have been postmarked in Karachi, Pakistan on March 10, 1981, June 27, 1981, October 19, 1981, April 20, 1982, January 10 (year illegible), August 19, 1982, (month and day illegible) 1983, July 22, 1983 and April 14, 1984, respectively.
25. A receipt from 1981 and a receipt from 1983 issued by Mobil Oil Credit Corporation which are made out to an individual, other than the applicant, who was residing at an address other than the addresses presented by the applicant as being his addresses in the United States.
26. The affidavit of [REDACTED] of Houston, Texas which was notarized on August 7, 1990 on which the affiant attested that "to the best of his knowledge" the applicant resided in Houston from July 1985 through the date that this affidavit was notarized. He did not indicate that he had personal knowledge of the applicant's address during this period or that he had personal knowledge that the applicant resided continuously in Houston during this period.
27. The affidavit of [REDACTED] of Houston, Texas which was notarized on August 7, 1990 on which the affiant attested that "to the best of his knowledge" the applicant resided in Houston from May 7, 1982 through 1990. He did not indicate that he had personal knowledge of the applicant's address during this period or that he had personal knowledge that the applicant resided continuously in Houston during this period.
28. The affidavit of [REDACTED] of Houston, Texas which was notarized on August 7, 1990 on which the affiant attested that "to the best of his knowledge" the applicant resided in Houston from December 10, 1981 through August 6, 1990. He did not indicate that he had personal knowledge of the applicant's address during this period or that he had personal knowledge that the applicant resided continuously in Houston during this period.
29. The affidavit of [REDACTED] of Houston, Texas which was notarized on March 22, 1990. The affiant did not list his or her full name and it is not otherwise evident from the affidavit whether this affiant is male or female. The affiant attested that the applicant "was done my household work and I support him for his boarding and lodging expenses from 13th January 1981 to 2nd November 1984." The affiant did not indicate that he or she had personal knowledge of the applicant's address during this period, nor how often the applicant's services were needed during this period. The affiant requested to be telephoned if further

¹ Using the "driving directions" feature found at www.mapquest.com yields a map that indicates [REDACTED] [REDACTED], Houston, Texas and [REDACTED] [REDACTED], Houston, Texas are not part of the same property, but are instead 1.23 miles driving distance from each other. See www.mapquest.com (accessed January 15, 2008).

information was needed. However, the affiant did not list a telephone number on the line set aside for the affiant's telephone number on the affidavit.

30. The statement of [REDACTED] of Houston, Texas. [REDACTED] indicated that he signed the statement on July 15, 1990. Yet, the notary indicated that [REDACTED] signed the document and swore to its contents on August 8, 1990. In the statement, [REDACTED] indicated that the applicant resided at his apartment at [REDACTED] Houston, Texas from September 1987 through October 1989 and that he paid a portion of the rent.
31. The statement of [REDACTED] which is not dated. A notary stamped the document but he did not indicate that the document was subscribed and sworn to before him. In the statement, [REDACTED] indicated that he has known the applicant since 1984. He did not indicate where he met the applicant. He did not indicate that he had personal knowledge of the applicant's address or of the applicant residing continuously in the United States. The affiant did not provide an address or other contact information for himself.
32. The affidavit of [REDACTED] of Houston, Texas which was notarized on August 8, 1990. The affiant attested that "to the best of his knowledge" the applicant resided in Houston Texas from 1981 through "update". The affiant did not explain what he meant when he wrote "update". The affiant did not indicate that he had personal knowledge of the applicant's address in Houston or that he had personal knowledge that the applicant resided continuously in the United States during the statutory period.

There is no other evidence in the record relevant to the applicant's claim that he resided continuously in the United States during the statutory period.

On August 12, 2004, the director issued the Notice of Intent to Deny (NOID). In the NOID, the director summarized for the applicant the notes from his sworn testimony dated March 29, 2004. That is, the director pointed out that the applicant initially testified to having first entered the United States as a passenger in a vehicle and later testified that he first entered the United States on foot. The director specified that the applicant testified: that the first time that he departed the United States was during July 1984, and that he remained outside the United States for one to two months; that the second time that he departed the United States was during February 1986, and that he remained outside the United States for 30 to 45 days; that the third time that he departed the United States was during November 1987, and that he remained outside the United States for 30 to 45 days; and that he departed the United States again during 1989 and 1991. The director pointed out to the applicant that he testified that his wife remained in Pakistan after the two married on August 21, 1984, that she gave birth to the applicant's children on June 9, 1985 and March 6, 1987, and that his wife and children have never been to the United States. The director also indicated in the NOID that CIS was not able to verify the affidavits and statements which the applicant had submitted and that there was no contemporaneous, independent evidence in the record sufficient to overcome the inconsistencies in the applicant's testimony. The director determined that the preponderance of the evidence indicated that the applicant's first entry into the United States was his entry on October 24, 1989 as a B2 visitor under the name of [REDACTED]

In the rebuttal to the NOID dated September 13, 2004 the applicant failed to provide any additional evidence to support his claim that he had continuously resided in the United States during the statutory period. He did

not provide evidence to overcome contradictory evidence in the record such as the applicant's initial testimony that he first entered the United States as a passenger in a vehicle and his later testimony indicating that at the time of his first entry, he walked into the United States. The applicant did not offer an explanation for this contradictory testimony. Also, he failed to address other apparent inconsistencies in his testimony such as his statements that he was in Pakistan for 30 to 45 days beginning in February 1986, that he then returned to the United States and did not return to Pakistan until November 1987, and that his wife gave birth to his child in Pakistan on March 6, 1987, approximately twelve months or more since his last visit with his wife. Finally, the applicant asserted that the only reason that CIS was not able to verify the information on the applicant's affidavits using the telephone numbers on the affidavits was that the affiants' telephone numbers had changed during the many years since these affidavits were written. Yet, the director had indicated in the NOID that the affidavits did not include telephone numbers.

On January 24, 2005, the director denied the application based on the reasons set out in the NOID.

On appeal, the applicant did not provide additional contemporaneous evidence, additional affidavits of having resided continuously in the United States during the statutory period or any other evidence. The applicant did assert through counsel that he had not initially testified that he first entered the United States as a passenger in a vehicle and then later testified that he first entered the United States on foot. He indicated that he believed that the CIS officer was asking about two separate entries, and he explained that his first entry was made as a passenger in a vehicle and that a later entry into the United States he made on foot. The applicant also indicated through counsel that because affidavits are notarized, they need not also be verifiable and therefore, they need not have telephone numbers, etc. He also asserted that whether some of the applicant's affidavits followed a uniform format is not relevant to the probative value of the affidavits, contrary to what the director had implied in the NOID. He indicated that because the director had not mentioned the envelopes addressed to the applicant in Houston and postmarked during the statutory period in his NOID that that evidence must have been found credible. He asserted that the preponderance of evidence in the record indicates that the applicant resided continuously in the United States in an unlawful status during the statutory period.

The AAO maintains plenary power to review this matter on a *de novo* basis. 5 U.S.C. § 557(b) ("On appeal from or review of the initial decision, the agency has all the powers which it would have in making the initial decision except as it may limit the issues on notice or by rule."); *see also, Janka v. U.S. Dept. of Transp.*, NTSB, 925 F.2d 1147, 1149 (9th Cir. 1991). The federal courts have long recognized the AAO's *de novo* review authority. *See, e.g. Dor v. INS*, 891 F.2d 997, 1002 n. 9 (2d Cir. 1989). The AAO considers all pertinent evidence in the record, including new evidence properly submitted on appeal.²

At the March 29, 2004 LIFE legalization interview, the applicant testified that he first entered the United States during January 1981 as a passenger in a vehicle. He indicated later that he first entered the United States on foot and rode as a passenger in a vehicle to Houston where he has resided since 1981. Thus, the AAO finds that the applicant's explanation that he was talking about an entry subsequent to 1981 when he testified that he crossed the border into the United States on foot is not a reasonable explanation for this inconsistency in the testimony. Also the applicant provided no explanation for the apparent inconsistency

² The submission of additional evidence on appeal is allowed by the instructions to the Form I-290B, which are incorporated into the regulations by the regulation at 8 C.F.R. § 103.2(a)(1). The record in this case provides no reason to preclude consideration of any of the documents newly submitted on appeal. *See Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988).

between the testimony that he had not visited with his wife subsequent to April 1986 at the latest and his claim that his wife gave birth to his child in Pakistan on March 6, 1987. There are other statements in the record that indicate that the applicant exited the United States during June 1986, not February 1986. However, the applicant did not present these in an attempt to overcome the apparent inconsistent point in the record. Moreover, if he were to offer this as an explanation he would still need to overcome the fact that he was not able to present consistent evidence relating to when he did and did not reside in the United States, and when he did and did not exit this country for Pakistan.

These inconsistencies in the record cast doubt on the applicant's claim that he resided continuously in the United States from a date prior to January 1, 1982 through May 4, 1988.

Doubt cast on any aspect of the applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the application. It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice. *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988).

The applicant failed to provide any reliable contemporaneous evidence that might be considered independent, objective evidence of his having resided in the United States from a date prior to January 1, 1982 and throughout the statutory period. The applicant did present three rent receipts. However, these are not found to be reliable evidence of the applicant's residence in the United States as the receipts do not list the address for which the rent was received. Also, the receipts are identical in form and each bears the same distinctive signature. This tends to suggest that the three receipts were issued by the same landlord for the same rental property. Yet, according to the Form I-687 and other documents in the record the applicant moved from one address in Houston to an address over 1 1/5 miles driving distance away from that first address between the dates that the second and third purported rent receipts were issued. The applicant provided copies of seven envelopes addressed to him at an address in Houston which appear to have been postmarked in Pakistan during the statutory period. However, even if such evidence were found to be credible, the mailing of seven envelopes during the first few years of the statutory period are not sufficient to overcome the inconsistencies in the record and to establish the applicant's continuous residence in the United States during the statutory period.

This office also finds that the various affidavits and statements in the record which purport to substantiate the applicant's residence in the United States just before and during the statutory period are not objective, independent evidence such that they might overcome the inconsistencies in the record regarding the applicant's claim that he maintained a continuous unlawful residence in the United States from a date prior to January 1, 1982 through May 4, 1988, and that these affidavits and statements do not have probative value in this matter.

There is no other evidence in the record to support the applicant's claim that he entered the United States prior to January 1, 1982 and that he maintained continuous residence in this country in unlawful status throughout the statutory period.

Any assertion that the application should be approved based on overriding family unity and humanitarian concerns is not persuasive. An applicant for permanent resident status under section 1104 of the LIFE Act 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 through May 4, 1988. *See* LIFE Act § 1104(c)(2)(B) and 8 C.F.R. § 245a.11(b).

The applicant has failed to establish continuous residence in an unlawful status in the United States from some date prior to January 1, 1982 and through May 4, 1988. Thus, the applicant is not eligible for adjustment to permanent resident status under section 1104 of the LIFE Act.

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