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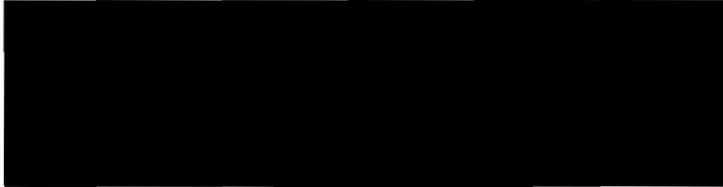
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
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FILE:



Office: LOS ANGELES

Date: **JUL 11 2008**

MSC 02 236 65020

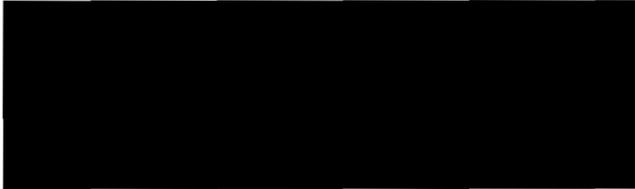
IN RE: Applicant:



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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. 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 Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Los Angeles, California, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The district director denied the application because the applicant failed to demonstrate that she resided in a continuous unlawful status in the United States beginning prior to January 1, 1982 through May 4, 1988.

On appeal, the applicant contends that she has established eligibility for adjustment of status by a preponderance of the evidence. The applicant does not submit additional documentation in support of her claim.

As stated at 8 C.F.R. § 103.3(a)(1)(v): "[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal."

Section 1104(c)(2)(B) of the LIFE Act states:

(i) In General – The alien must establish that the alien entered the United States before January 1, 1982, and that he or she 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.

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 period, 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 response to the director's Notice of Intent to Deny (NOID), dated December 9, 2004, the applicant stated:

- I entered the US on June 27, 1981 (where I want to attache [sic] again copy of my passport for my first entered to this country) than I left three monts [sic] later[,] re-entered three months after. There is no evidence that I violated my non-immigrant status.
- In my questionnaire [sic] I stated that I left my country in October 5, 1987 and I re-entered in November 8, 1987, because the person who help me to filled [sic] my INS Forms suggested me to gave [sic] that information because the law was applicable just for people who left the country in that time but I never left this country since I came the first time.
- Also [redacted] wrote affidavit where she stated that she know's [sic] me since June 1985 to present and since that time we have been keeping in touch [with] each

The director determined based on the information provided and in the record that the applicant had not established that she had entered the United States before January 1, 1982 and resided in continuous unlawful status since that date through May 4, 1988 as required to establish eligibility pursuant to the LIFE Act.

A review of the decision reveals that the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence addressing the basis for denial. As the record before the AAO does not contain evidence or argument identifying an erroneous conclusion of law or statement of fact, the appeal will be summarily dismissed.

Based on the above, the applicant has failed to establish entry into the United States prior to January 1, 1982, and continuous unlawful residence through May 4, 1988, as required under Section 1104(c)(2)(B) of the LIFE Act. Given this, she is ineligible for permanent resident status under Section 1104 of the LIFE Act. Accordingly, the appeal must be summarily dismissed.

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