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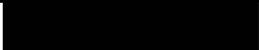
U.S. Citizenship
and Immigration
Services

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FILE:



Office: NEW YORK

Date: **SEP 08 2008**

MSC 01 286 60027



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. 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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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, New York, New York. A subsequent appeal was dismissed by the Administrative Appeals Office (AAO). The matter is now before the AAO on a motion to reopen. The motion will be dismissed, and the order dismissing the appeal will be affirmed.

The district director denied the application on January 13, 2005, because the applicant failed to demonstrate that he entered the United States before January 1, 1982, and resided in a continuous unlawful status through May 4, 1988.

A subsequent appeal was dismissed by the Chief, AAO, on February 27, 2007. The AAO chief noted in his denial that the record reflected that the applicant had provided documents that lacked credibility because the documents had been notarized by Jose I. Villanueva, who had been convicted in federal district court of conspiracy to file false statements.

The regulation at 8 C.F.R. § 103.5(b) provides that motions to reopen a proceeding or reconsider a decision under part 210 or 245a of this chapter shall not be considered.

The regulation at 8 C.F.R. § 245a.20(c) provides that motions to reopen a proceeding or reconsider a decision shall not be considered under Subpart B.

As such, the previous decision of the field office director and the AAO will not be disturbed and the motion will be dismissed.

ORDER: The motion is dismissed. The decision of the AAO, dated February 27, 2007, is affirmed. The motion is denied.