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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC 02 226 61416

Office: SALT LAKE CITY

Date: NOV 20 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:

SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

A handwritten signature in cursive script, appearing to read "John F. Grissom".

John F. Grissom, Acting 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, Salt Lake City, and is now before the *Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.*

The director denied the application because the applicant failed to demonstrate 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. The director also denied the application because the applicant had failed to establish that he satisfied the “basic citizenship skills” required under section 1104(c)(2)(E) of the LIFE Act.

On appeal, the applicant asserts that he provided documentation, including “letters of employment and references prior to 1982, and was not asked questions about the U.S. history.” He provides previously submitted evidence.

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 addressed the grounds stated for denial relevant to his claim of continuous residence in the United States during the statutory period. Specifically, he failed to address his own admission of an entry date after January 1, 1982, and accounting for his absences from the United States related to his marriage in Mexico on January 9, 1982, and the birth of his children in Mexico in 1983 and 1984. Nor has he presented any new evidence relevant to his claim of continuous residence. These discrepancies have not been reconciled by any independent, objective evidence. The discrepancies seriously detract from the credibility of the applicant’s claim of continuous residence in the United States during the requisite period.

Given the inconsistencies noted in the record, it is concluded that the applicant has failed to establish by a preponderance of the evidence that he entered the United States before January 1, 1982 and maintained continuous, unlawful residence from such date through May 4, 1988, as required for eligibility for adjustment to permanent resident status under section 1104(c)(2)(B)(i) of the LIFE Act. The AAO affirms this portion of the director’s decision.

Pursuant to 8 C.F.R. § 245a.17(b), the applicant was given two opportunities to be interviewed in connection with his LIFE Act application, on June 16, 2004, and again on January 25, 2005. The record indicates that the applicant failed to pass the basic citizenship skills test at the first interview and failed to appear for his second interview. However, the record does not contain notes from the first interview. The AAO cannot determine whether or not the applicant was asked questions regarding civics and history of the United States. Accordingly, the AAO will withdraw this portion of the director’s decision.

Notwithstanding the above, the AAO concludes that the applicant has failed to demonstrate 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. The applicant is, therefore, ineligible for permanent resident status under section 1104 of the LIFE Act.



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