



U.S. Citizenship  
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[Redacted]

FILE: [Redacted]

Office: LOS ANGELES

Date: 10/1/04

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:

[Redacted]

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. Any further inquiry must be made to that office.

Robert P. Wiemann, Director  
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 on appeal. The appeal will be dismissed.

The district director denied the application because the applicant had not demonstrated that she had continuously resided in the United States in *an unlawful status* since before January 1, 1982 through May 4, 1988.

On appeal, counsel asserts that the applicant entered the United States with a visitor visa on April 3, 1983 not December 3, 1981 as stipulated in the director's decision.

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.

The record reflects that on February 4, 2003 the applicant was interviewed by a service officer in relation to her application for permanent resident status under the LIFE Act. At that interview, under oath, the applicant stated that she initially came to the United States on December 13, 1981 with a visitor's visa valid for six months. She further stated that she remained in the United States until March 1983 when she returned to the Philippines due to her mother's death. The record indicates that on January 20, 1983, the applicant was issued a B-1/B-2 multiple entry non-immigrant visa valid until January 20, 1988. A copy of the applicant's Philippine passport reveals that she entered the United States as a B-2 non-immigrant visitor on April 3, 1983. The applicant's statement under oath clearly shows that she was in a lawful status from her initial arrival on December 13, 1981 and for the next six months. As such, she was in a lawful status on January 1, 1982 and for several months thereafter.

An applicant for permanent resident status 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 and through May 4, 1988. See 8 C.F.R. § 245a.11(b). Because the applicant was in a lawful nonimmigrant status for six months after her arrival on December 13, 1981 she has failed to meet the regulatory requirement.

Accordingly, the applicant has failed to establish that she resided in continuous *unlawful status* in the United States from prior to January 1, 1982 through May 4, 1988, as required under section 1104(c)(2)(B) of the LIFE Act. Therefore, the applicant is 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.