

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. A3042  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**



22

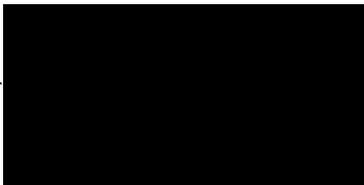
FILE: [REDACTED] Office: Los Angeles

Date: MAR 09 2005

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. The file has 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, 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 sustained.

The director indicated that the applicant had stated that she first entered the U.S. on December 29, 1981 and had continuously resided in the U.S. without interruption until May 4, 1988. The director denied the application because documents the applicant submitted indicate that she was in Mexico in 1982.

On appeal, counsel states:

To adjust status under LIFE legalization, applicants would have to prove, among other factors that she entered the U.S. before January 1, 1982 and resided continuously in the U.S. in an unlawful status since that date through May 4, 1988. Applicant has provided evidence in the form of sworn statements and declaration, of applicant presence in the U.S. In addition, applicant affidavits sworn declaration explaining (sic) a 20 day brief trip to Mexico in early 1982 where in she accompanied her aunt to visit an ill grandmother and to get immunizations. As such, applicant qualifies to adjust under the life legalization.

In this case counsel does not argue that the applicant was not in Mexico in 1982. However, counsel submits four declarations from family members of the applicant explaining that the applicant was very young when she left the U.S. in 1982 and that she was Mexico for approximately 20 days when she received her inoculations in that country.

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).

The regulation at 8 C.F.R. § 245a.15(c)(1) defines "*continuous unlawful residence*" as follows:

An alien shall be regarded as having resided continuously in the United States if 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.

In her declaration dated August 4, 2003 [REDACTED] aunt) states that in early 1982, she took the applicant to Mexico in order to obtain her niece's inoculations and to visit her mother [REDACTED] grandmother), who was very ill at the time. Maria explains that as [REDACTED] mother did not have "proper paperwork" to re-enter the United States, it was easier for her to travel to Mexico to check on her ill mother. Also, as it was time for [REDACTED] inoculations, the family took the opportunity to take care of that matter as well. [REDACTED] states that [REDACTED] and herself were outside the United States for approximately 20 days. Her statement is corroborated by the declarations of [REDACTED] mother.

Based upon these four declarations submitted by counsel, it is determined that the applicant made one trip to Mexico in 1982 and that her single absence from the United States during that year did not exceed 45 days.

The record reflects that the applicant has satisfied the statutory and regulatory criteria of entry into the United States before January 1, 1982, as well as continuous unlawful residence in the country during the ensuing time frame of January 1, 1982 through May 4, 1988, as required for eligibility for legalization under section 1104(c)(2)(B)(i) of the LIFE Act. Accordingly, the applicant's appeal will be sustained.

**ORDER:** The appeal is sustained.