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U.S. Department of Homeland Security
U. S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

L2



FILE:



Office: LOS ANGELES

Date:

FEB 04 2010

MSC: 02 074 61376

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. 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.

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Los Angeles, California, 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 she entered the United States before January 1, 1982, and resided in a continuous unlawful status through May 4, 1988. In a December 15, 2003 notice of intent to deny (NOID), the director noted that during her interview on April 8, 2003, the applicant testified, and signed a sworn statement, that she first entered the United States on July 16, 1990; and, that in support of her continuous residence since 1981, the applicant had submitted letters that were neither credible, nor verifiable. In the denial notice, the director noted that the applicant responded to the NOID, but failed to overcome the reasons for denial stated in the NOID.

On appeal, the applicants asserts that she was nervous during her interview and erroneously stated that she had first entered the United States in July 1990. In effect, the applicant contends that her testimony during her interview on April 8, 2003, and her sworn statement, attesting to her entry in July 1990, should be disregarded in determining her eligibility. The applicant submits a previously submitted letter of employment from [REDACTED]

At this late stage, however, the applicant cannot avoid the record she has created. As noted above, at her interview on April 8, 2003, the applicant testified, and signed a sworn statement, that she first entered the United States on July 16, 1990. The applicant's sworn testimony and sworn statement, together with the documentation submitted by the applicant in support of that application, are indelible parts of the record. As such, this evidence cannot be purged from the record. The AAO will, therefore, examine the entire record and make its determination of the applicant's eligibility based on the entire record as constituted.

As stated in 8 C.F.R. § 103.3(a)(3)(iv), any appeal which is filed that fails to state the reason for appeal, or is patently frivolous, will be summarily dismissed.

A review of the decision reveals the director accurately set forth a legitimate basis for denial of the application. On appeal, the applicant has not presented additional evidence. Nor has she addressed the grounds stated for denial. The appeal must therefore be summarily dismissed.

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