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U.S. Citizenship  
and Immigration  
Services



FILE: [Redacted]

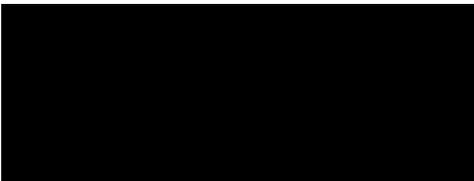
Office: DALLAS

Date: DEC 03 2004

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:



PUBLIC COPY

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.

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

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, Dallas, Texas, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

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

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. 8 C.F.R. § 245a.11(b).

An applicant for permanent resident status under section 1104 of the LIFE Act has the burden to establish by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States and is otherwise eligible for adjustment of status under this section. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. 8 C.F.R. § 245a.12(e).

Although CIS regulations provide an illustrative list of contemporaneous documents that an applicant may submit, the list also permits the submission of affidavits and any other relevant document. 8 C.F.R. § 245a.2(d)(3)(vi)(L).

In an attempt to establish continuous unlawful residence since before January 1, 1982 through May 4, 1988, the applicant furnished the following notarized evidence:

- An affidavit from [REDACTED] who indicated that the applicant resided with him from March 1981 through June 1986.
- An affidavit from [REDACTED] who attested to the applicant's residence in the United States since 1981.
- An affidavit from [REDACTED] owner of [REDACTED] who attested to the applicant's residence in the United States since 1981. [REDACTED] asserted that the applicant occasionally assisted in cleaning his trucks.
- An affidavit from [REDACTED] who indicated that the applicant has periodically been a residence of Hart, Texas since 1981.
- An affidavit from [REDACTED] deacon for [REDACTED] who indicated that the applicant has attended the parish on a non-continuous basis from 1982 through 1988.
- An affidavit from [REDACTED] who indicated that the applicant has been employed at his farm in Mississippi since June 1986.
- An affidavit from [REDACTED] farm foreman for [REDACTED] who attested to the applicant's employment at the farm since June 1986.

[REDACTED] claims that the applicant was residing with him from March 1981 through June 1986, but fails to indicate an address to support his claim. Therefore, the affidavit cannot be used as evidence of the applicant's

residence in the United States.

Counsel provided a letter dated January 17, 2003 from [REDACTED] City Secretary of Hart, Texas who asserted that the applicant resided with his father on a non-continuous basis from 1982 through November 1986, and on a "fulltime, continuous basis" from November 1986 through May 1988.

Counsel, on appeal, relies heavily on the Ms. Hawkins' letter because it can be considered a public document as [REDACTED] signed her name in her official capacity. However, [REDACTED] letter contradicts previous documents of which no explanation has been provided.

[REDACTED] claimed that the applicant resided with his father in Hart, Texas on a "full-time, continuous basis" from November 1986 through May 1988. However, the affidavits from his employer and foreman claimed that the applicant had been residing in the State of Mississippi since June 1986. Further, the applicant himself indicated on his Form I-687 application that he had been residing in the State of Mississippi since June 1986.

Doubt cast on any aspect of an applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence. It is incumbent upon an applicant to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice. *Matter of Ho*, 19 I. & N. Dec. 582 (BIA 1988).

Given the contradicting statements, absence of a plausible explanation, it is concluded that the applicant has failed to establish continuous residence in the U.S. for the required period.

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