



U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE: [REDACTED] Office: LOS ANGELES Date: OCT 08 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:  
[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

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

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**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 district director denied the application because the applicant failed to overcome the grounds for denial stated in the Notice to Intent to Deny issued on September 5, 2003.

It is noted that the director, in denying the application, did not address the evidence furnished initially, and in response to the Notice of Intent to Deny, and did not render a determination as to its credibility. As such, the documentation throughout the application process will be considered on appeal.

On appeal, the applicant reaffirms her November 30, 1981 entry into the United States. The applicant provides additional documentation in an effort to establish her continuous residence in the United State 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. 8 C.F.R. § 245a.12(e). When something is to be established by a preponderance of evidence it is sufficient that the proof only establish that it is probably true. *See Matter of E-- M--*, 20 I&N Dec. 77 (Comm. 1989).

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).

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

- An employment letter from [REDACTED] indicating the applicant was in his employ in 1983 as a babysitter and maid.
- United States postal receipts, PS Form 3806, listing the applicant's name and dated September 7, 1984, October 5, 1984, November 10, 1984, January 26, 1987, and October 21, 1987.
- A U.S. Postal Service money order receipt issued on November 10, 1984.
- Several envelopes postmarked in 1985, 1986 and 1987 addressed to the applicant at different addresses throughout Los Angeles County in California.
- A money transfer receipt dated March 3, 1985.
- A statement from the Los Angeles County Department of Public Social Services issued for September 1985.

- A California Identification Card issued on May 3, 1985.
- Documents from the Department of Public Social Services dated February 18, 1986, June 11, 1986 and July 11, 1986.
- An appointment notice for February 21, 1986 from the County of Los Department of Heath Services.
- Her child's May 26, 1986 United States birth certificate.
- Her child's California school immunization record reflecting vaccines given in 1986 through 1992.
- A receipt dated August 3, 1986 from Sam Electronics in Los Angeles, California.
- A Los Angeles County Food Stamp Issuance Card issued on October 23, 1986.
- A receipt dated January 9, 1988 from Rafael Jewelry in Los Angeles, California.
- A form affidavit notarized on September 15, 1989 from [REDACTED] who attested to the applicant's residence in the California since November 1981. The affiant based her knowledge on having been good friends with the applicant since that time.
- A form affidavit notarized on September 23, 1989 from [REDACTED] who indicated that the applicant was in his employ from February 20 1982 through December 20, 1984 as a housekeeper.
- A form affidavit notarized on September 28, 1989 from [REDACTED] who indicated that the applicant was in his employ from February 1982 through December 1984 as a housekeeper.
- Two form affidavits notarized on September 28, 1989 from [REDACTED] who attested to the applicant's residence in California since 1981. The affiants based their knowledge on having been good friends with the applicant since that time.
- An affidavit notarized on January 11, 1999 from [REDACTED] who attested to the applicant's residence in California since December 1981. The affiant based her knowledge on having been good friends with the applicant since that time.
- Two notarized affidavits from [REDACTED] who attested to the applicant's residence in California since November 1981. The affiant based her knowledge on having been good friends with the applicant since that time.
- Two notarized affidavits from [REDACTED] who indicated that she resided with the applicant in Los Angeles, California from 1981 to 1983.
- A notarized affidavit from [REDACTED] who attested to the applicant's residence in the United States since 1981. The affiant asserted that the applicant lived in the same apartment as her cousin in 1981.

On appeal, the applicant submits additional envelopes postmarked during 1982 through 1983.

The applicant has submitted several affidavits attesting to her residence as well as her employment in the U.S. during the period in question. It should be emphasized that affidavits in certain cases can effectively meet the preponderance of evidence standard. As stated on *Matter of E--M--*, *supra*, when something is to be established by a preponderance of evidence, the applicant only has to establish that the proof is probably true. That decision also points out that, under the preponderance of evidence standard, an application may be granted even though some doubt remains regarding the evidence. In this case, the affidavits furnished by affiants who have provided their addresses and have indicated their willingness to come forward and testify in this matter if necessary, may be accorded substantial evidentiary weight and are sufficient to meet the applicant's burden of proof of residence in the United States for the requisite period.

The evidence provided by the applicant establishes, by a preponderance of the evidence, that the applicant satisfies 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. The district director shall continue the adjudication of the application for permanent resident status.

**ORDER:** The appeal is sustained.