



U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE: [REDACTED] Office: Sacramento

Date: SEP 02 2004

IN RE: Applicant: [REDACTED]

PETITION: 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. 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*

Robert P. Wiemann, Director  
Administrative Appeals Office

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prevent clearly unwarranted  
invasion of personal privacy**

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Los Angeles, 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 for the applicant asserts that the applicant has met his burden of proof of providing documentation establishing his having resided continuously in the U.S. from prior to 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).

When something is to be established by a preponderance of the evidence it is sufficient that the proof establish that it is probably true. *See Matter of E-- M--*, 20 I&N Dec. 77 (Comm. 1989).

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 prior to January 1, 1982, the applicant submits the following:

- A form affidavit from [REDACTED] attesting to having first become acquainted with the applicant in Sacramento, California in December 1981, and having socialized regularly with him thereafter;
- A form affidavit from [REDACTED] attesting to having first become acquainted with the applicant in Stockton, California in December 1981, and having socialized regularly with him thereafter;
- A form affidavit from [REDACTED] attesting to having first become acquainted with the applicant in Sacramento, California in 1983, and having socialized regularly with him thereafter;
- A form affidavit from [REDACTED] attesting to having first become acquainted with the applicant in Sacramento, California in 1983, and having socialized regularly with him thereafter;

- A form affidavit from [REDACTED] attesting to having first met the applicant in Stockton, California in 1981, and having encountered him at the Sikh temple as well as at various social gatherings;
- A letter from [REDACTED] President of Gurdwara Sahib (Sikh Temple), Stockton, California, attesting to the applicant being a dedicated member of that organization; and
- A letter from [REDACTED] Co-Chairman of [REDACTED] Sacramento, attesting to the applicant having been a member of that organization since early 1983.

As stated above, the inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. In this case, the applicant has submitted no contemporaneous documentation to establish presence in the U.S. from the time he claimed to have commenced residing in the U.S. through May 4, 1988. In light of the fact that the applicant claims to have continuously resided in the U.S. since December 1981, this inability to produce contemporaneous documentation of residence raises serious questions regarding the credibility of his claim.

Furthermore, most of the affidavits submitted in support of the application are lacking basic and necessary information and, as such, fall far short of containing what such a document should include in order to render it probative for the purpose of establishing an applicant's continuous unlawful residence during the period in question. In this case, very few of the affidavits indicate the applicant's place of address during the period of the affiants' acquaintanceship with the applicant. Moreover, the affidavits fail to provide any details regarding the basis for the affiants' initial acquaintance with the applicant. While many of the affiants attest to having socialized with the applicant on a regular basis, no specifics are provided as to the nature or circumstances of that socialization.

Given the absence of contemporaneous documentation pertaining to this applicant, along with the applicant's reliance on affidavits which do not meet basic standards of probative value, it is concluded that he has failed to establish continuous residence in an unlawful status from prior to January 1, 1982 through May 4, 1988, as required.

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