



U.S. Citizenship
and Immigration
Services

[REDACTED]

FILE:

[REDACTED]

Office: Los Angeles

Date:

SEP 16 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:

Self-represented

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, Director
Administrative Appeals Office

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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 Interim 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 he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988.

On appeal, the applicant asserts that since his arrival in the U.S., he has for the most part been self-employed, having been paid in cash for his services. As a result, according to the applicant, he has been unable to produce such evidence as earnings statements, tax returns or W-2 forms in support of his claim to continuous residence since 1981.

Although a Notice of Entry of Appearance as Attorney or Representative (Form G-28) has been submitted, the individual is not authorized under 8 C.F.R. § 292.1 or § 292.2 to represent the applicant. Therefore, this decision will be furnished to the applicant only.

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:

- An affidavit from Olga Robles attesting to the applicant having continuously resided in the U.S. since September 1981. The affiant bases her knowledge on having been an acquaintance of the applicant;
- An affidavit from Lazaro Dacal, attesting to the applicant having continuously resided in the U.S. since September 1981. The affiant bases his knowledge on having been an acquaintance of the applicant;

- An affidavit from [REDACTED] attesting to the applicant having continuously resided in the U.S. since September 1981. The affiant bases his knowledge on having been an acquaintance of the applicant; and
- A form affidavit from [REDACTED] attesting to the applicant having resided in Cudahy, California from December 1981 to July 1994. The affiant bases her knowledge on having met the applicant at a bus station and having become close friends since that time;
- A form affidavit from [REDACTED] who attests to the applicant having resided in the U.S. since September 1981. The affiant also asserts she was aware the applicant was self-employed from August 1987 to August 1991;
- A form affidavit from [REDACTED] who attests to the applicant having resided in the U.S. since September 1981. The affiant bases her knowledge on having been acquainted with the applicant since that time;
- A form affidavit from [REDACTED] who attests to the applicant having resided in California since September 1981. The affiant further attests to the applicant having departed the U.S. for Mexico in December 1987 and returned to the U.S. later that month; and
- An affidavit dated February 1, 1996 from [REDACTED] of Family Reality, Bell, California, in which the affiant asserts he has known the applicant for approximately 15 years, during which the applicant assisted his father in performing odd jobs for the affiant.

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 whatever to establish presence in the U.S. from the time he claimed to have commenced residing in the U.S. through May 4, 1988. On appeal, the applicant asserts that since his arrival in the U.S., he has for the most part been self-employed, having been paid in cash for his services. As a result, according to the applicant, he has been unable to produce such evidence as earnings statements, tax returns or W-2 forms in support of his claim to continuous residence since 1981.

The affidavits submitted in support of the application are lacking basic and necessary information or details 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, most of the affidavits merely attest to the applicant having resided in this country since September 1981 without providing any further information. While the form affidavits provided by the applicant attest to the affiants having been acquainted with the applicant, no details are provided regarding the actual *basis* for that acquaintanceship. The affidavits from [REDACTED] and [REDACTED] respectively, provide no information whatever regarding *how* the affiants came to be aware of the applicant's initial residence in the U.S., his dates of employment, or his December 1987 departure from the U.S.

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.