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U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED] Office: LOS ANGELES Date: APR 07 2008

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: 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. Any further inquiry must be made to that office.

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, 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 had not demonstrated that she had continuously resided in the United States in an unlawful status from before January 1, 1982 through May 4, 1988.

On appeal, the applicant asserts that she has submitted sufficient documentation establishing continuous residence in the United States from prior to January 1, 1982 through May 4, 1988. The applicant submits additional documentation in an effort to establish continuous residence.

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 set forth the specific reasons for the denial pursuant to 8 C.F.R. § 103.3. As such, the documentation throughout the application process will be considered on appeal.

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 the 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. *See* 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 provided the following evidence throughout the application process:

- An affidavit from [REDACTED] who attested to the applicant's residence in Los Angeles, California since December 1985. [REDACTED] indicated that the applicant resided at her home from December 1985 through 1987.
- An affidavit from [REDACTED] who attested to the applicant's residence in California since 1981. [REDACTED] indicated that the applicant was her next-door neighbor.
- An affidavit from [REDACTED] who attested to the applicant's residence in Los Angeles, California since 1980. [REDACTED] indicated that the applicant was her Godmother.

- Her children's immunization records reflecting vaccinations given during 1981, 1982, 1986, 1987 and 1988.
- A July 27, 1987 postmarked envelope.
- Several rent receipts issued during 1987 and 1988 for residences at [REDACTED] [REDACTED] respectively.
- An affidavit from [REDACTED] who attested to the applicant's residence in Los Angeles, California since 1981.
- A letter from [REDACTED] director of Las Familias del Pueblo in Los Angeles, California who indicated that she has known the applicant since 1982. [REDACTED] asserted that the applicant participated in various activities and brought her children to the center.
- An affidavit from [REDACTED] who attested to the applicant's residence in the Los Angeles, California since 1981. [REDACTED] indicated that she was a neighbor of the applicant from 1981 through 1995.
- An affidavit from [REDACTED] who attested to the applicant's residence in Los Angeles, California since 1981. [REDACTED] indicated that she was a neighbor of the applicant from 1981 through 1988.
- A receipt dated April 16, 1985 for an identification card (ID) from the California Department of Motor Vehicles.
- Several Medi-Cal ID cards issued to her children during 1985, 1986, 1987 and 1988.
- Her child's school transcript reflecting attendance within the Los Angeles Unified School District from 1985 through 1992.
- An affidavit from [REDACTED] who indicated that they have known the applicant since 1981. [REDACTED] indicated that the applicant was one of her customers.

In this instance, the applicant submitted evidence, including contemporaneous documents, which tends to corroborate his claim of residence in the United States during the requisite period. The district director has not established that the information in this evidence was inconsistent with the claims made on the application, or that it was false information. 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. The documents that have been furnished 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 documentation provided by the applicant supports 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.