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U.S. Department of Homeland Security
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Washington, D.C. 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY



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FILE:



Office: LOS ANGELES

Date: APR 18 2005

IN RE:

Applicant:



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.

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, Los Angeles, California, 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 from before January 1, 1982 through May 4, 1988.

On appeal, the applicant submits additional evidence in an effort to establish continuous residence in the United States from prior to January 1, 1982 through May 4, 1988.

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).

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:

- Letters from [redacted] and [redacted] who attested to the applicant's residence in the United States since 1981.
- An employment letter from [redacted] attesting to the employment of [redacted] from December 1985 through May 1986.
- Letters from [redacted] and [redacted] who indicated that he has known the applicant since 1980. The affiants based their knowledge on having been good friends with the applicant since that time.
- An affidavit from [redacted] who indicated that he has known the applicant since 1981 and attested to the applicant's current address.
- His children's 1985 and 1987 birth certificates.

- A receipt dated July 8, 1984.
- An employment letter from [REDACTED] who indicated that the applicant was in his employ as a carpenter from December 1981 through April 1984.
- A 1987 wage and tax statement from D&B Sportwear Inc., and addressed to [REDACTED]

The applicant has not provided any evidence from his alleged employers, Al Barlovits and D&B Sportwear Inc. confirming that he and [REDACTED] are one and the same. As such, [REDACTED] letter and the wage and tax statement from D&B Sportwear Inc., have no evidentiary weight or probative value. It is noted that the address and employer listed for [REDACTED] on the wage and tax statement does not correspond with any address and employer the applicant has listed on his Form I-687 or LIFE applications.

Doubt cast on any aspect of the evidence 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. See *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988).

The employment letter from [REDACTED] has little probative value or evidentiary weight as it did not list his address or telephone number and, therefore, is not amenable to verification by Citizenship and Immigration Services.

Except for the affidavits from [REDACTED] and [REDACTED] none of the affiants provide any detail regarding the nature or origin of their relationships with the applicant or the basis for their continuing awareness of the applicant's residence.

Given the absence of any contemporaneous documentation, 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 the U.S. for the required period. Therefore, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

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