

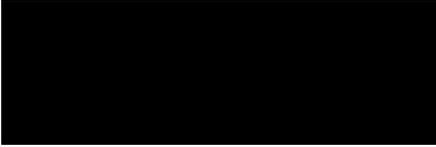
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services



22

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 asserts that on March 24, 2004, he personally delivered additional documents to establish his continuous residence in the United States to the Los Angeles Office. The applicant submits copies of said documents.

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).

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 before January 1, 1982 through May 4, 1988, the applicant furnished the following:

- A notarized affidavit from [REDACTED] who claimed to have known the applicant since 1981.
- A notarized affidavit from [REDACTED] who asserted that the applicant had resided in his home in North Hollywood, California from November 1981 through June 1985.
- A receipt from the Family Medical Group in Canoga Park, California dated December 17, 1981.
- A Change of Program Semester issued by the Los Angeles Unified School District on January 6, 1982.
- A letter from [REDACTED] dated September 12, 1987 who attested to the applicant's employment at Texon Service Center in Burbank, California from May 1982 through June 1986.

- Several photocopies of money orders issued during 1982, 1983, 1984, 1985, 1986, and 1987.
- Three PS Form 3806, Receipt for Registered Mail postmarked by the United States Postal Service during 1984, 1985 and 1986.
- An invoice from Big "G" Auto Parts in Pacoima, California dated January 30, 1986.
- A customer invoice from Liberia Genesis in Sun Valley, California dated June 14, 1987.

The applicant submitted customer invoices from businesses; however, the invoices did not list the applicant's name, and therefore have no evidentiary weight or probative value. [REDACTED] claimed to have known the applicant since 1981, but failed to specify the basis for his knowledge and does not attest to any residence in the United States for the applicant. As such, the affidavit has little evidentiary weight or probative value. Furthermore, the applicant has not provided any evidence to establish his continuous residence in the United States from July 1986 through May 4, 1988.

Given the applicant's failure to submit evidence to establish residence from July 1986 through May 4, 1988, it is concluded that he has failed to establish, by a preponderance of evidence, continuous residence 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.

[REDACTED] 03/23/05:AAOSFH01