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**U.S. Citizenship  
and Immigration  
Services**



L2

FILE:



Office: LOS ANGELES

Date: **DEC 28 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.

Robert P. Wiemahn, 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 provides copies of documents that were previously submitted.

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).

It is noted that contrary to the director's decision, the applicant did submit a timely response to the Notice of Intent to Deny issued on June 18, 2004. As such, the documentation along with the evidence initially submitted with her LIFE application will be considered on appeal.

In an attempt to establish continuous unlawful residence since before January 1, 1982 through May 4, 1988, the applicant provided the following evidence:

- An affidavit notarized August 7, 1992 from [REDACTED] (last name illegible) of North Hollywood, California who indicated that he has known the applicant since 1982.
- An affidavit notarized January 3, 1991 from [REDACTED] of Encino, California who indicated she first met the applicant in 1982 and since 1986, the applicant has been in her employ as a housekeeper.
- An affidavit notarized May 5, 1992 from [REDACTED] who indicated that she met the applicant in 1981 at a social event and attested to the applicant's residences in Burbank from March 1981 to May 1987 and in Panorama City from May 1987.

- Affidavits notarized May 5, 1992 and October 10, 2001 from [REDACTED] a sister, who indicated that the applicant resided in her home and was in her employ from March 1981 to May 1986 as a babysitter.
- An affidavit notarized April 28, 1992 from [REDACTED] of Northridge, California who indicated that the applicant has been in her employ since May 1986 as a housekeeper.
- An affidavit from [REDACTED] of Sun Valley, California who indicated that she has known the applicant since 1980 and attested to the applicant's residences in Burbank from March 1981 to May 1987, and in Panorama City from May 1987 to December 1993.

The rent receipts issued during the requisite period cannot be considered as they were addressed to someone other than the applicant.

In response to the Notice of Intent to Deny, the applicant submitted affidavits from [REDACTED] and [REDACTED] who indicated they have known the applicant since 1981 and 1982 respectively, and attested to the applicant's residence at her sister's [REDACTED] home from 1981 to 1994. The applicant also submitted affidavits from four acquaintances who attested to the applicant's presence in the United States during the requisite period.

The director, in her Notice of Intent to Deny indicated that the affidavits submitted by the applicant "are vague and lack corroborating evidence," and the employment letters did not meet the requirements set forth in 8 C.F.R. § 245a.2(d)(3).

The applicant provided affidavits from individuals, all whom provide their addresses and telephone numbers and indicate a willingness to testify in this matter. The district director has not established that the information in these affidavits was inconsistent with the claims made on the application, or that such information was false. In addition, the fact that the employment letters do not provide specific information as specified in 8 C.F.R. § 245a.2(d)(3) does not mean such documents are to be disregarded, rather such documents must be considered in conjunction with the other supporting evidence, as well as the testimony of the applicant herself.

The applicant submitted evidence, including contemporaneous documents, which tends to corroborate her claim of residence in the United States during the requisite period. 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.



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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.