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U.S. Citizenship
and Immigration
Services

L2

[Redacted]

FILE:

[Redacted]

Office: LOS ANGELES

Date: **DEC 28 2005**

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:

[Redacted]

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 1983.

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 provides copies of previously submitted documentation in support of the 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).

According to the director, in her Notice of Intent to Deny dated June 25, 2004, the applicant has submitted sufficient evidence to establish she resided unlawfully in the United States from 1984 through May 4, 1988. At issue in this proceedings is the documentation submitted by the applicant in an effort to establish continuous residence prior to 1984. The director advised the applicant that the affidavits prior to 1984 did not contain sufficient information and corroborative documents and, thus, lacked weight in evidence.

In an attempt to establish continuous unlawful residence since before January 1, 1982 through 1983, the applicant provided the following evidence throughout the application process:

- Two undated letters from [REDACTED] of [REDACTED] in North Tustin and Orange, California who indicated that the applicant has been in her employ as a babysitter since February 1981. Ms. [REDACTED] asserted that the applicant took a leave of absence for about three weeks in May through mid-June 1985.
- A statement dated October 28, 1990 from [REDACTED] who attested to the applicant's residence in the United States since October 1981. Ms. [REDACTED] asserted that she met the applicant through their employment.

- An affidavit notarized August 13, 1990 from [REDACTED] property owner, who indicated that the applicant was tenant at [REDACTED] California from January 25, 1981 through October 30, 1984.
- An affidavit from [REDACTED] who attested to the applicant's residence in Orange, California since February 1981. Mr. [REDACTED] asserted that the applicant rented a room at his brother-in-law's home in Orange, California and has remained in contact with the applicant since that time.
- An affidavit from [REDACTED] who attested to the applicant's residence in Orange, California since January 1981. Mr. [REDACTED] asserted he and the applicant attended the same church, La Purisima in Orange, California.
- A letter dated February 4, 2004 from [REDACTED] secretary of Spanish Religious Education at La Purisima Catholic Church in Orange California who indicated that the applicant had participated in the youth ministry from December 1987 to December 11, 1990.
- A California identification card issued on April 19, 1984.
- Rent receipts dated November 4, 1984, April 2, 1985 and July 1, 1985 for residence at [REDACTED]
- Two money order receipts dated May 29, 1987 and June 2, 1987.
- A deposit receipt from [REDACTED] dated January 3, 1985 for residence at [REDACTED] Orange, California.
- Several money order receipts addressed to Pacific Bell dated during 1985, 1986, and 1987.
- Several telephone bills from Pacific Bell dated October 13, 1985 through May 26, 1988.
- A telephone bill from Pacific Bell dated September 13, 1986 for residence at 276 S. Esplanade, Orange, California.
- A telephone bill from Pacific Bell dated February 26, 1987 for residence [REDACTED] Orange, California.
- A statement dated October 10, 1990 from [REDACTED] a sister, who indicated that the applicant has resided with her since October 31, 1984 in Orange, California.

In this instance, the applicant submitted evidence, including contemporaneous documents, which tends to corroborate her 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.