

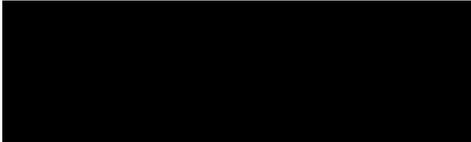
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U.S. Department of Homeland Security  
20 Mass Ave., N.W., Rm. A3042  
Washington, DC 20529



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

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FILE: [REDACTED] Office: LOS ANGELES Date: FEB 23 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: 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 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 since before January 1, 1982 through May 4, 1988.

On appeal, the applicant reaffirms her claim to have continuously resided in the United States since June 1981. The applicant submits copies of documents that were previously provided along with an additional affidavit from [REDACTED]

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 submitted the following evidence:

- A notarized affidavit dated July 12, 1993 from [REDACTED] who attested to the applicant's residence in North Hollywood, California from June 1981 through August 1991 [REDACTED] based her knowledge on the matter, as she claimed to have been the applicant's landlord.
- A letter dated October 2, 1993 from [REDACTED] who indicated that the applicant was in her employ as a childcare provider and housekeeper from September 1981 through November 1985.
- A letter dated October 1, 1993 from [REDACTED] who indicated that the applicant has been in her employ as housekeeper since February 1986.
- A notarized affidavit dated July 13, 1993 from [REDACTED] who attested to the applicant's residence in North Hollywood, California from June 1981 through September 1991.
- A notarized affidavit dated July 12, 1993 from [REDACTED] who attested to the applicant's residence in North Hollywood, California from June 1981 through September 1991.
- A notarized affidavit dated July 14, 2001 from [REDACTED] who indicated that the applicant was in her employ part-time and intermittently as a housekeeper since September 1981.

- Two notarized affidavits from [REDACTED] who indicated he is the applicant's common-law husband. [REDACTED] asserted that he has been acquainted with the applicant since June 1981.
- Several envelopes postmarked during February 1986 through May 1988.
- Her child's immunization record, which reflects several vaccinations issued during 1987.
- Her child's February 24, 1987 California birth certificate.

In response to a Notice of Intent to Deny issued on August 26, 2003, the applicant asserted that she worked as a self-employed house cleaner throughout the years and had no further evidence to provide. The applicant reaffirmed her employment with [REDACTED]

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.