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Washington, DC 20529



U.S. Citizenship  
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Services

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JAN 21 2005

FILE:



Office: Los Angeles, California

Date:

IN RE:

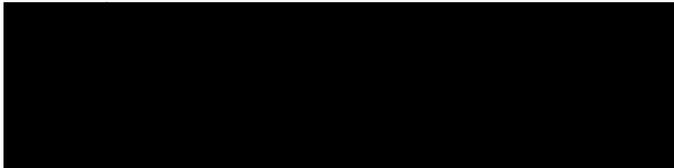
Applicant:



PETITION:

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:



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. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

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 since before January 1, 1982 through May 4, 1988.

On appeal, counsel reaffirms the applicant's claim to have entered the U.S. prior to January 1, 1982 and to have continuously resided in this country from that time until May 4, 1988. Counsel asserts that the applicant has submitted sufficient documentation in the form of affidavits to corroborate his claim.

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 prior to January 1, 1982, the applicant submitted the following:

- An affidavit from [REDACTED] Covina, California, dated March 31, 2003, who asserts that from 1981 through 1988, the applicant was a tenant in her apartment located at [REDACTED] Street, Fullerton, California;
- An affidavit from [REDACTED] California, dated March 12, 2003, who asserts that she met the applicant through a mutual friend in 1981, rented the applicant a room in Fullerton, California, in 89-91, and became good friends and co-workers in 93-95;
- A letter from [REDACTED] Engineering Services, Covina, California, dated April 27, 1990 [REDACTED] asserts that the applicant worked for him part-time as an office clerk from March 1981 to December 1981;
- A letter from [REDACTED] Fullerton, California, dated January 30, 2003, who asserts that the applicant has been a client of the bank since January 1987;

- A Certificate of Completion of a certified nursing assistant program by the applicant dated March 2, 1988.

As stated above, the inference to be drawn from the documentation provided shall depend on the *extent* of the documentation. The applicant in this case has submitted only *five* documents, and three of them only refer to 1981, 1987 or 1988. Only two affidavits, addressed below, relate to the entire five-year period of 1982 through 1986. This documentation cannot be deemed extensive.

Evelyn Ortegon indicates the applicant lived in her apartment on [REDACTED] in Fullerton from 1981 to 1988. However, the applicant showed on Form G-325A that he lived on Groton Street in Anaheim from 1985 to 1988.

The affidavit from [REDACTED] attests to the affiant being a co-worker of the applicant, but fails to mention their place (or circumstances) of employment. It indicates that she met him in 1981, but does not state where he lived, or imply that she saw him often, until 1989. It does not state that he lived continuously in the United States through May 1988.

Thus, for the 1982-96 period, the applicant has provided only one affidavit that does not actually contradict his claim, and that affidavit does not provide enough information to support the claim. He has not provided any contemporaneous documentation relating to the 1981-87 period. In light of the fact that the applicant claims to have continuously resided in the U.S. since February 14, 1981, this inability to produce contemporaneous documentation of residence raises serious questions regarding the credibility of the claim.

Given the absence of contemporaneous documentation pertaining to this applicant, along with the applicant's reliance on a minimal number of affidavits which do not meet basic standards of probative value, it is concluded that he has failed to establish continuous residence in an unlawful status from prior to January 1, 1982 through May 4, 1988, as required.

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