



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]

Office: LOS ANGELES

Date: MAR 03 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 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 he has submitted sufficient documentation establishing continuous residence in the United States from prior to January 1, 1982 through May 4, 1988. The applicant request an extension of time in order to provides additional documentation. To date, no additional documents have been presented.

It is noted that the director, in denying the application, did not address the evidence furnished initially, 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 provided the following evidence throughout the application process:

- 1) A notarized affidavit from [REDACTED] who indicated that the applicant resided at his residences in Wilmington and San Pedro, California from December 16, 1981 through January 30, 1985.
- 2) Notarized affidavits from J [REDACTED] who attested to the applicant's residence in Los Angeles County, California since 1981.
- 3) A letter dated September 23, 1987, from [REDACTED] president of Parkers Tree Service, Inc., in Torrance, California who attested to the applicant's employment as a driver and laborer from October 1982 through June 1986.
- 4) A letter dated March 22, 2002 from [REDACTED] manager of Chris Tree Service in Lomita, California indicating that the applicant was in his employ as a maintenance worker from 1981 through 1985, returned the same year and was employed until 1990.

- 5) A notarized affidavit from [REDACTED] who attested to the applicant's residence in Los Angeles County, California from 1981 through 1986.

In his first letter, [REDACTED] asserted that the applicant was employed from "October 1982 through June 1986"; however, in his second letter, he amended the employment to indicate that the applicant was employed from "1981 through 1990". No explanation was submitted to resolve his contradicting statements or evidence, such as earnings statements to corroborate the amended statement. As such, Mr. [REDACTED] letters have little probative value or evidentiary weight. In addition, the applicant did not list this employment on his Form I-687 application.

[REDACTED] indicated that the applicant resided at his home at [REDACTED] December 1981 through October 1982, and at [REDACTED], California from October 1982 through January 1985. The applicant, however, indicated on his Form I-687 application to have resided at [REDACTED] Long Beach, California from November 1981 through December 1991. No explanation has been provided for this contradiction.

Doubt cast on any aspect of an applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence. It is incumbent upon an applicant to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice. *Matter of Ho*, 19 I. & N. Dec. 582 (BIA 1988).

Given the contradicting statements, absence of a plausible explanation, it is concluded that the applicant has failed to establish continuous residence in the United States for the required period.

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