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20 Mass. Ave., N.W., Rm. A3042
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U.S. Citizenship
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FILE:



Office: LOS ANGELES

Date:

MAR 03 2005

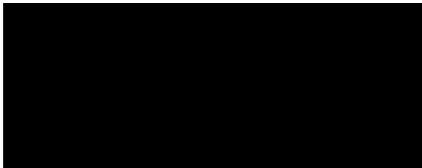
IN RE:

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:



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 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 asserts that the applicant has submitted sufficient documentation establishing continuous residence in the United States from prior to January 1, 1982 through May 4, 1988.

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 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:

- A rental application dated July 31, 1981 for [REDACTED] and [REDACTED]
- An employment letter from Universal Cast Iron Manufacturing Company in South Gate, California, which attested to the employment of [REDACTED] from January 19, 1981 through June 1982.
- A notarized affidavit from [REDACTED] who indicated that she had known the applicant since 1981. Ms. [REDACTED] indicated that the applicant had rented an apartment in a building she had managed.
- An employment letter from [REDACTED] in Rancho Santa Fe, California, which attested to the applicant's employment from 1983 through 1985.
- A notarized affidavit from [REDACTED] who indicated that he has known the applicant since 1986.
- A notarized affidavit from [REDACTED] who attested to the applicant's residence in Los Angeles, California since 1986.
- An employment letter from Re:DB Company, which attested to the employment of [REDACTED] from March 18, 1980 through December 19, 1980.

- A statement from [REDACTED] who indicated that he met the applicant in 1987 while the applicant was working under the alias [REDACTED] at DB's Drywall & Paint Co.
- Three Western Union money grams receipts dated June 5, 1987, June 26, 1987, and July 24, 1987.
- An earnings statement from Country Cupboard Restaurant in Sun City, Arizona for the pay period ending March 17, 1987.
- An employment letter dated August 7, 1987 from Sheila Buchanan, corporate secretary of DB's Drywall & Paint Co who attested to the employment of "[REDACTED]" since March 1987.

It is noted that subsequent to a telephone call with [REDACTED] an ensuing letter from [REDACTED] office manager of DB's Drywall & Paint Co, was issued indicating that the applicant's employment commenced July 1989. As such, [REDACTED] letter is questionable at best.

The applicant has indicated that he worked for Universal Cast Iron Manufacturing Company, Re:DB, and DB's Drywall and Paint Company under the alias [REDACTED]. Except for the applicant's own statement, the record contains no credible evidence to establish his alleged alias. Without corroborative evidence from his purported employers, the applicant's statement has no probative value to establish that he is the same person as [REDACTED].

The affidavit from [REDACTED] also has little evidentiary weight or probative value as she claims she was a manager of the building where the applicant rented an apartment, but provides no address.

Given the credibility issues arising from the documentation provided by the applicant along with the employment letters, which do not meet basic standards of probative value, it is determined that the applicant has not met his burden of proof. The applicant has not established, by a preponderance of the evidence, that he entered the United States before January 1, 1982 and resided in this country in an unlawful status continuously from before January 1, 1982 through May 4, 1988, as required under 1104(c)(2)(B)(i) of the LIFE Act and 8 C.F.R. § 245a.11(b). Given this, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

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