

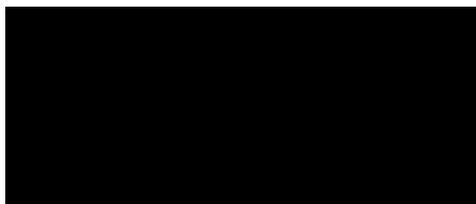
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
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U.S. Citizenship
and Immigration
Services

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LR

FILE: [Redacted]

Office: Los Angeles

Date: MAR 07 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. The file has 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

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 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 explains that he had been instructed by the interviewing officer to submit additional statements signed by his witnesses. The applicant states that in June 2003, he had submitted three statements signed by [REDACTED] and [REDACTED] and that he couldn't submit the other ten statements because he had lost touch with those witnesses. The applicant indicates that he is submitting five more affidavits on appeal that he has been living in the United States since 1981 and that since that time he has worked on a self-employed basis for several people each year as a gardener. The applicant further states that he is contributing to this country's economy, that he declares taxes and that he is planning to purchase a house and expand his business this year to employ more people.

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. *See* 8 C.F.R. § 245a.11(b).

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. *See* 8 C.F.R. § 245a.2(d)(3)(vi)(L).

In an attempt to establish continuous residence in the United States since before January 1, 1981 through May 4, 1988, the applicant submitted the following evidence:

- Notarized affidavits from [REDACTED] who attested to the applicant's residence in the United States since 1981.
- An affidavit of [REDACTED] indicated that the applicant was working in a self-employed capacity from August 1981 to December 1989 and that he received cash payments for his labor.
- A notarized affidavit signed by [REDACTED] who indicated that he knew that the applicant went to Mexico on December 20, 1987 to visit his family and spend Christmas with them. The affiant states that he knew that the applicant came back from Mexico on January 10, 1988 because a friend of his told him.

The record reflects that at his interview on April 22, 2003, the applicant stated that he first entered the United States on August 19, 1981 and that he remained in this country until he went to Mexico to visit his family for Christmas on December 20, 1987. The applicant stated on his Form I-687 Application for Status as a Temporary Resident under section 245A of the INA signed by him on December 14, 1994 that he was

married to [REDACTED] who was then living in Mexico. Additionally, the applicant indicated that he and his wife have two daughters born in 1980 and 1982 and a son who was born on May 5, 1987. All of the children were born in Mexico. On his LIFE applicant filed on January 4, 2002, the applicant indicated that he was married, but did not fill out the required biographic information concerning his wife or even list his three children. Although the information was contained elsewhere in the record, this omission of information on the applicant's LIFE application may have cut off an avenue of inquiry by the interviewing officer concerning important matters such as how the applicant had managed to maintain a household divided between Mexico and the United States from 1981 through December 20, 1987. This inquiry could have focused on the fact of the applicant's son's birth in Mexico on May 5, 1987 prior to his departure to that country on December 20, 1987.

Doubt cast on any aspect of the evidence may lead to a reevaluation of the reliability and sufficiency of the remaining evidence. See *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988).

Given the absence of contemporaneous documentation, the applicant's reliance only on affidavits coupled with the applicant's claim that he was maintaining a growing family unit in Mexico during the critical period, 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. Therefore, 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.