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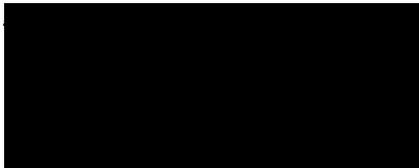
Office: LOS ANGELES

Date: MAY 23 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 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 from 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. Counsel provides additional evidence in an effort to establish the applicant's residence in the United States.

It is noted that the director, in denying the application, did not address the evidence furnished initially, and in response to the Notice of Intent to Deny, 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).

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 provided the following evidence throughout the application process:

- An affidavit from [REDACTED] who attested to the applicant's residence in Los Angeles, California since January 1985. The affiant based her knowledge on having been good friends with the applicant since that time.
- Affidavit from [REDACTED] and [REDACTED] who indicated that the applicant resided in their home in Los Angeles from November 1981 through February 1987. Mrs. [REDACTED] indicated that she supported her sister as she was a minor and was never employed.
- Affidavits from [REDACTED] and [REDACTED] who indicated that they have known the applicant since November 1981.

- An affidavit from [REDACTED] who indicated that she met the applicant in her home in March 1983 and has been acquaintances since that time.
- An affidavit from [REDACTED] who indicated that she has known the applicant since January 1984.
- Receipts issued during December 1981 and January 1982, and November 1983.
- Her son's November 17, 1987 birth certificate, and a birth announcement from [REDACTED] Medical Center in Compton, California.
- Her son's immunization record reflecting vaccinations given during 1988.
- Her February 14, 1987 marriage certificate.
- An affidavit from [REDACTED] who indicated that he has been acquainted with the applicant since 1986 and attested to the applicant's residence in Los Angeles. The affiant based his knowledge on having been good friends with the applicant since that time.
- An affidavit from [REDACTED] who indicated that he has been acquainted with the applicant since February 1983 and attested to the applicant's residence in Los Angeles. The affiant based his knowledge on having been good friends with the applicant since that time.
- An affidavit from [REDACTED] who indicated that she has been acquainted with the applicant since March 1984 and attested to the applicant's residence in Los Angeles. The affiant based her knowledge on having been good friends with the applicant since that time.
- An affidavit from [REDACTED] who indicated that she has been acquainted with the applicant since June 1982 and attested to the applicant's residence in Los Angeles. The affiant based her knowledge on having been good friends with the applicant since that time.
- An affidavit from [REDACTED] who indicated that she has been acquainted with the applicant since May 1985 and attested to the applicant's residence in Los Angeles. The affiant based her knowledge on having been good friends with the applicant since that time.
- An affidavit from [REDACTED] who indicated that she has been acquainted with the applicant since December 1981 and attested to the applicant's residence in Los Angeles. The affiant based her knowledge on having been good friends with the applicant since that time.
- Department of Health Services documents issued to the applicant on March 14, 1988.

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.