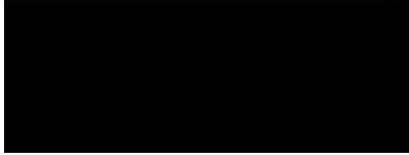




U.S. Citizenship  
and Immigration  
Services

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prevent clearly unwarranted  
invasion of personal privacy

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FILE:



Office: HOUSTON

Date: SEP 28 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:

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.

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, Houston, Texas, 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, the applicant merely asserted that he entered the United States from prior to January 1, 1982, and requested additional time in which to submit evidence. However, more than a year later, no additional evidence has been presented by the applicant.

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 Citizenship and Immigration Services (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 an employment letter notarized November 10, 1990 from Ben Ingham, owner of Ingham Ranch in Sonora, Texas who indicated that the applicant has been in his employ since September 1981 as a farm laborer. Mr. Ingham asserted that room and board were included and the applicant received his wages in cash. No other evidence was provided.

On February 11, 2004, the applicant was requested to submit additional evidence to establish his residence in the United States since before January 1, 1982 through May 4, 1988. The applicant was also requested to submit a Form I-690, Application for Waiver of Grounds of Excludability as the applicant appeared to have been previously removed from the United States. The applicant, however, failed to provide any additional evidence or the Form I-690.

The applicant in this case asserts that he has resided continuously in the U.S. since 1980. Nevertheless, he has only been able to provide CIS with *one* affidavit in support of his claim of residence.

Given the absence of any contemporaneous documentation, along with the applicant's reliance on a single affidavit, it is concluded that he has failed to establish continuous residence in the U.S. for the required period.

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