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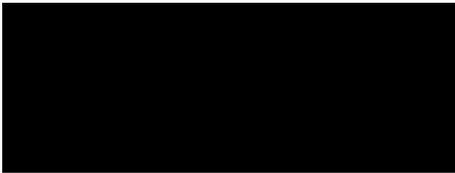
U.S. Department of Homeland Security  
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Washington, D.C. 20529

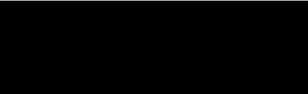


U.S. Citizenship  
and Immigration  
Services

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FILE:  Office: LOS ANGELES Date: APR 20 2006

IN RE: Applicant: 

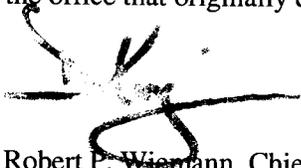
APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

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, Chief  
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 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 states that the applicant had submitted several affidavits and letters attesting to her residence, which were ignored by the Citizenship and Immigration Services.

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).

The "preponderance of the evidence" standard requires that the evidence demonstrate that the applicant's claim is "probably true," where the determination of "truth" is made based on the factual circumstances of each individual case. *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm. 1989). In evaluating the evidence, *Matter of E-M-* also stated that "[t]ruth is to be determined not by the quantity of evidence alone but by its quality." *Id.* Thus, in adjudicating the application pursuant to the preponderance of the evidence standard, the director must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.

Even if the director has some doubt as to the truth, if the applicant submits relevant, probative, and credible evidence that leads the director to believe that the claim is "probably true" or "more likely than not," the applicant has satisfied the standard of proof. See *U.S. v. [REDACTED]*, 480 U.S. 421 (1987) (defining "more likely than not" as a greater than 50 percent probability of something occurring). If the director can articulate a material doubt, it is appropriate for the director to either request additional evidence or, if that doubt leads the director to believe that the claim is probably not true, deny the application.

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).

Here, the submitted evidence is not relevant, probative, and credible. In an attempt to establish continuous unlawful residence since before January 1, 1982 through May 4, 1988, the applicant provided the following evidence:

- Affidavits from [REDACTED] California which indicated that the applicant was employed by the affiant in the capacity of childcare/housekeeper since May 1984 and which attested to the applicant's residence [REDACTED] California.
- An affidavit from [REDACTED] Buena Park which indicated that the applicant was employed by the affiant in the capacity of childcare/housekeeper from November 1981 to April 1984.
- An affidavit [REDACTED] Hacienda Heights, California who attested to the applicant's residence [REDACTED] Buena Park, California since November 1981.
- Affidavits dated July 18, 2001 from [REDACTED] and [REDACTED] of Yucca Valley, California which indicated that the affiants shared a room with the applicant at [REDACTED] California from January 1988 to July 1990.

In a Notice of Intent to Deny issued on July 2, 2004, the director informed the applicant that the affidavits alone were not sufficient to establish continuous residence in the United States since before January 1, 1982 through May 4, 1988. The applicant, in response, submitted copies of documents that were previously provided along with:

- An affidavit from [REDACTED] California who indicated that he met the applicant in 1981 at the Sikh temple in Los Angeles, California. [REDACTED] asserted that due to a car accident in November 1981, he took the applicant to see [REDACTED] who was a doctor in Los Angeles, California. [REDACTED] stated that he frequently met the applicant at religious services at the Sikh temple and used to leave some of the member's children with the applicant at her residence in Buena Park.
- An affidavit [REDACTED] California who indicated that she met the applicant in January 1982 while the applicant was residing [REDACTED] California. [REDACTED] asserted that every Sunday since January 1982, she has been in contact with the applicant at the [REDACTED]

The director, in denying the application, noted that [REDACTED] affidavit contradicted the applicant's claim to have resided at [REDACTED] California since December 1989. Counsel, on appeal, asserts that the affiant, [REDACTED] incorrectly listed the applicant's current address. Counsel argues that at no time, did the affiant assert that she met the applicant at her home, but rather in the Vermont Sikh temple in Los Angeles, California.

[REDACTED] claim to have taken the applicant to [REDACTED] in November 1981, may only serve to establish the applicant's presence in the United States during November 1981 as [REDACTED] in his affidavit, did not corroborate [REDACTED] claim.

A review of the record reveals contradicting information for which no explanation has been provided. Specifically:

1. The applicant claimed on her Form I-687 application that she resided at [REDACTED] Park, California from November 1981 to December 1989. However, [REDACTED] asserted that the applicant resided with them from January 1988 to July 1990 at [REDACTED]

California. In addition, on her Form G-325A, Biographic Information dated July 18, 2001, the applicant indicated that she resided at California from April 1981 to April 1989.

2. The applicant claimed on her Form I-687 application that she was employed and during the requisite period, and provided affidavits from the affiants to support her claim. However, on her Form G-325A, Biographic Information, the applicant indicated that she was employed as a "RN" at Hi-Desert Medical Center from April 1981 to July 1997. Further, if she were actually employed at that medical center for 16 years, she would have been able to provide documentary evidence of that.

These facts raise questions about the authenticity of the documents the applicant has presented throughout the application process.

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 credibility issues arising from the documentation provided by the applicant, it is determined that the applicant has not met her burden of proof. The applicant has not established, by a preponderance of the evidence, that she 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.