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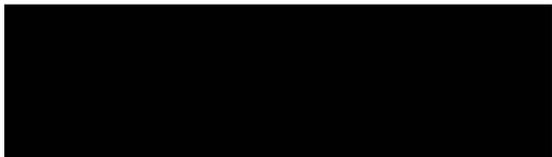
U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. A3042  
Washington, D.C. 20529



**U.S. Citizenship  
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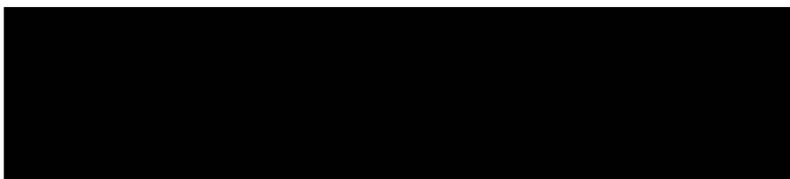


FILE: [REDACTED] Office: CHICAGO Date: MAY 10 2006  
MSC 02 054 61812

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:



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.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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, Chicago, Illinois, 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 he 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.

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. Cardozo-Fonseca*, 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).

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:

A letter dated May 15, 1991 from [REDACTED] owner/dealer of E-Z Go Gas at 8649 South Ashland Avenue, Chicago, Illinois, who indicated that the applicant was employed as a cashier from October 1987 to October 1989.

- A letter dated May 10, 1991 from [REDACTED], president of Premier Gas & Food at 1530 W.111<sup>th</sup> Street, Chicago, Illinois, who indicated that the applicant was employed as a cashier from April 1985 to October 1987. The affiant indicated that the applicant resided behind the gas station.
- A statement from [REDACTED], ex-president of Sangha's Gas-N-Go at 2312 W. Fond Du Lac Avenue, Milwaukee, Wisconsin, who indicated that the applicant was employed from August 1981 to April 1985.
- A letter dated June 30, 2001 from [REDACTED] president of the Sikh Religious Society of Chicago, who indicated that the applicant has been a member of the congregation and has attended religious services and other functions since 1981.
- An affidavit notarized November 6, 2001 from [REDACTED] who indicated that he has known the applicant since 1981, and attested to the applicant's residences and employment in Wisconsin and Illinois during the requisite period. [REDACTED] indicated that he and the applicant often visit each other's residence on social and religious ceremonies.
- An affidavit notarized February 3, 2003 from [REDACTED] of Hanover Park, Illinois, who indicated that he has personally known the applicant since 1986. [REDACTED] indicated that the applicant used to buy gifts at his jewelry store in Deerfield, Illinois from 1986 to May 1998.
- An affidavit notarized January 24, 2003 from [REDACTED] of Palatine, Illinois who indicated that he first met the applicant in 1985 at a place of worship. The affiant indicated that he has met and seen the applicant at various functions.
- An affidavit notarized February 27, 2003 from [REDACTED] of Naperville, Illinois, who indicated that he first met the applicant in 1982 in Milwaukee, Wisconsin. [REDACTED] indicated that he is currently serving as the chairman of the church's constitutional committee and attested to the applicant's attendance at the facility.
- An affidavit notarized January 22, 2003 from [REDACTED] of Brookfield, Wisconsin, who indicated that he first met the applicant at a social gathering in 1981. [REDACTED] indicated that since that time he has seen the applicant at religious and social gatherings.
- An affidavit notarized January 24, 2003 from [REDACTED] of Round Lake, Illinois, who indicated that he first met the applicant in 1981 when he was residing in Milwaukee, Wisconsin. [REDACTED] attested to the applicant's residence in the Chicago area since 1985, and indicated that he has met the applicant at various social and cultural functions.
- An affidavit notarized **March 8, 2003** from [REDACTED] of Milwaukee, Wisconsin, who indicated that he has known the applicant since 1981. [REDACTED] indicated that he resided with the applicant at [REDACTED] Milwaukee, Wisconsin from August 1983 to April 1985, and worked together at Gas-N-Go gas station from August 1981 to August 1983.
- An affidavit notarized February 24, 2003 from [REDACTED] of Rockford, Michigan, who indicated that he was a coworker of the applicant from May 1982 to December 1982 at Gas-N-Go gas station in Milwaukee, Wisconsin.

In this instance, the applicant submitted evidence, which tends to corroborate his claim of residence in the United States during the requisite period. The record contains no evidence to suggest that the director attempted to contact any of the former employers to verify the authenticity of the employment documents submitted. In addition, 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 in *Matter of E--M--*, *supra*, when something is to be established by a preponderance of evidence, the applicant only has to establish that the asserted claim 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 applicant provided affidavits from individuals, all whom provide their addresses and telephone numbers and indicated a willingness to testify in this matter. 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.