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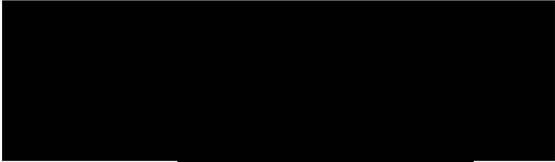
U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

L2

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FILE: [Redacted] MSC 01 345 61720

Office: LOS ANGELES

Date: NOV 09 2006

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. 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 (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant had not demonstrated that she had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988.

On appeal, the applicant asserts that the denial of her application is inconsistent with the LIFE Act. The applicant submits copies of previously submitted documentation in support of the 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. Section 1104(c)(2)(B) of the LIFE Act; 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 petitioner 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 or petitioner 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 or petition.

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 her interview for adjustment of status under the LIFE Act, the applicant stated that she first entered the United States in December 1980, and that she entered in a legal status pursuant to a passport that she ultimately lost. On her Form I-687, Application for Status as a Temporary Resident, which she signed under penalty of perjury on October 28, 1988, the applicant stated that she traveled to Mexico several times for one or two days with a border crossing pass to see her son in Mexicali.

The applicant also stated that she worked as a housekeeper for [REDACTED] and various others in the same building from January 1981 to the date of the Form I-687 application. The applicant further stated that she lived at the following addresses in Los Angeles, California during the qualifying period: from December 1980 to March 1985, at [REDACTED]; from April 1985 to October 1986, at [REDACTED] and from November 1986 until the date of the Form I-687 application, at [REDACTED]

In an attempt to establish continuous unlawful residence since before January 1, 1982 through May 4, 1988, the applicant submitted the following evidence:

1. An October 28, 1988 affidavit from [REDACTED], in which she stated that after arriving in the United States, the applicant lived with her and shared in the payment of the rent and utility bills, although the bills were in the affiant's name. Ms. [REDACTED] listed her address as [REDACTED] in Los Angeles. The applicant submitted no documentary evidence, such as rental receipts, utility or phone bills to confirm that Ms. [REDACTED] lived at this address during the stated time frame, or that either of them had occupied the premises at [REDACTED] where the applicant stated that she lived from December 1980 until March 1985.
2. An envelope addressed to the applicant at [REDACTED] in Bell Garden, California. The envelope has a canceled postmark of November 12, 1980. This date is prior to the date the applicant claimed that she first arrived in the United States, and the envelope is addressed to her at an address at which she never claimed to live.
3. An October 19, 1988 letter from [REDACTED] in which she stated that she has known the applicant since 1981 when the applicant began cleaning house for her. Ms. [REDACTED] further stated that the applicant began living with her at [REDACTED] in November 1986 as her housekeeper and to help care for her mother.
4. A June 14, 2004 unsigned letter from the [REDACTED] certifying that the applicant has been a member of the church community since 1981. The letter does not indicate the source of the information provided in the letter. 8 C.F.R. § 245a.2(d)(3)(v).
5. A September 11, 1991 letter from the Reverend Father _____ of the [REDACTED] [REDACTED] in Los Angeles. The letter stated that the applicant "worked at this office since May 1981 through March 1985." The applicant did not indicate that she had ever worked for the [REDACTED] [REDACTED] or was in any other way associated with the organization. Furthermore, the applicant's name appears to have been inserted into the letter after it was typed, and her name appears in a different typeface than the rest of the letter. Doubt cast on any aspect of the applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa application. *Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988).

In a request for evidence (RFE) dated July 7, 2006, the AAO requested that the applicant submit the original of this document from Reverend [REDACTED]. The applicant was notified that she had 12 weeks in which to respond to the request. In a letter dated September 28, 2006, received by the AAO on October 11, 2006, the applicant requested additional time in which to respond to the RFE. We note that the applicant's letter was received two weeks after the deadline for submitting evidence in response to the RFE. Further, the regulation at 8 C.F.R. § 103.2(b)(8) provides that "[a]dditional time may not be granted" in which to respond to an RFE.

6. A November 22, 1982 "Los Angeles County Lettergram," addressed to the applicant at [REDACTED] in Los Angeles. The letter is written in Spanish and is not accompanied by an English translation. *See* 8 C.F.R. § 103.2(b)(3). The letter purports to refer to the applicant's son; however, the applicant does not claim to have a son named [REDACTED]. Further, the applicant did not claim to live at this address during this time frame. The applicant was requested to submit the original of this document in response to the AAO's RFE. As noted above, however, the applicant did not submit any documentation in response to the RFE.
7. A November 27, 1982 receipt from the [REDACTED] and [REDACTED] in Los Angeles that lists the applicant as the patient. The date of the receipt appears to be altered, and the applicant failed to submit the original as requested by the AAO in its RFE.
8. A letter from the State of California Department of Youth Authority indicating that [REDACTED] had been transferred to the Youth Training School on February 25, 1983. The applicant's name appears in a different typeface than the remainder of the address, and the address is listed as [REDACTED] in Los Angeles. This is not an address at which the applicant claimed to live in 1983. The applicant did not submit the original of this document as requested in the RFE.
9. An August 16, 2001 affidavit from [REDACTED] in which she stated that the applicant has lived in Los Angeles since February 1983, and that they used to live together.
10. A February 12, 1984 insurance policy showing the applicant as the insured. The policy, while issued by an American company, does not reflect the applicant's address and therefore is not probative as to her presence and residence in the United States during the required time frame.
11. A July 2, 2001 affidavit from [REDACTED], in which she stated that she met the applicant in 1984. Ms. [REDACTED] stated that she is a friend of the applicant but provided no other information regarding the circumstances of their initial acquaintance.
12. A copy of an August 16, 2001 affidavit from [REDACTED] in which she stated that she has known the applicant since June 1985 when they met at church.
13. An October 26, 1988 letter from [REDACTED] manager of the [REDACTED] at [REDACTED]. Mrs. [REDACTED] stated that she has known the applicant since 1986, and that the applicant keeps house for one of the tenants. Mrs. [REDACTED] also stated that the applicant cleans the building for her when Mrs. [REDACTED] is on vacation.
14. A July 21, 2001 affidavit from [REDACTED] in which she stated that she has known the applicant since 1986 when they met her while the affiant was looking for an apartment.
15. Copies of U.S. postal money order receipts dated in June 1986. The money orders appear to show the applicant as the sender with an address at [REDACTED] in Los Angeles. However, the names and addresses of the sender and recipient are in the original handwriting, and it cannot be determined when they were added.
16. A copy of a June 13, 1986 "Attendance Award" issued to the applicant by [REDACTED] Center. The document does not indicate the location of [REDACTED] and does not indicate an address for the applicant.

17. A March 22, 1987 membership certificate issued to the applicant by the North Hollywood, California chapter of [REDACTED]
18. Copies of Forms 1040, U.S. Individual Income Tax Returns, for 1981 through 1988, and copies of the State of California income tax returns for the same year. However, the returns for 1981 through 1987 are all dated in October 1999, and therefore provide no evidence that the applicant was living and working in the United States during the relevant time frame. Further, an Internal Revenue Service printout does not reflect any wages for the qualifying period, and a Social Security printout of the applicant's FICA wages reflects earnings beginning in 1987.
19. An August 23, 2001 letter from [REDACTED] and [REDACTED] in which they stated that the applicant "has worked for us for the past eight years."
20. An August 25, 2001 letter from [REDACTED] in which he stated that the applicant has worked as his housekeeper for the last "eleven or more years."
21. An August 16, 2001 affidavit from [REDACTED], in which she stated that she and the applicant traveled to Mexico from the United States in July 1987 to celebrate the applicant's son's birthday.
22. A 1988 Form W-2 issued to the applicant by [REDACTED], of Beverly Hills, California.

The applicant has submitted several affidavits and third-party statements attesting to her continuous residence in the U.S. during the period in question. While affidavits in certain cases can effectively meet the preponderance of evidence standard, other documentation in the record casts doubts on the credibility of these affidavits. The applicant submitted only minimal contemporaneous documentation, all of which are of questionable authenticity. The applicant failed to submit original documentation that could have helped to resolve these issues of credibility.

Given this, it is concluded that the applicant 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.