



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
MSC 02 205 60205

Office: LOS ANGELES

Date: FEB 23 2007

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. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

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, and is now before the Administrative Appeals Office 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 from before January 1, 1982 through May 4, 1988. The director noted that the applicant had not submitted any documentation of residency "other than affidavits/statements" for the years 1981, 1982, 1983 and 1985. The director determined that the "affidavits/statements [the applicant] submitted do not contain enough objective evidence to which they can be compared to determine whether the attestations are credible, plausible, or internally consistent with the record." The director also observed that it was "impossible to determine" the dates associated with copies of airmail envelopes submitted by the applicant because the applicant had failed to submit the original envelopes. The director also noted that the applicant submitted a copy of a dental receipt dated 1982 that is printed on a form not in circulation until 1984.

On appeal, the applicant submits a letter from her temple indicating that the applicant has been involved in religious activities there since 1981. The applicant asserts that she has submitted originals of the airmail envelopes. The applicant also contends that she obtained the dental receipt in 1990 for services rendered her in 1982, and that she submitted this receipt in good faith without any intention to mislead. Finally, the applicant asserts that she is unable to provide additional evidence of residency in the years 1982 and 1983 because she was in unlawful status at that time.

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 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).

Here, the submitted evidence is not relevant, probative, and credible.

In addition to the inconsistency in the dental receipt cited by the director in the decision, there are other inconsistencies and omissions in the evidence of residency submitted by the applicant. On Form I-687 the applicant lists four addresses as her residences in the United States, but fails to list the time periods during which she resided at each address. The applicant submitted an affidavit dated June 22, 1990 from [REDACTED] attesting that the applicant had been residing with the affiant at [REDACTED] in Los Angeles since 1983. The applicant did not list this address on her Form I-687. In addition, the applicant submitted affidavits from former employers during the period of before January 1, 1982 through May 4, 1998, but listed only “housewife” as her occupation on her Form I-687. On appeal, the applicant submits a letter from her temple stating she had been participating in religious activities there since 1981, yet she did not list affiliations with any organizations on her Form I-687. Finally, the record does not contain originals of the airmail envelopes for which the applicant submitted copies.

It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the applicant submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). Doubt cast on any aspect of the applicant's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Id.* The applicant has failed to submit independent objective evidence that resolves the inconsistencies noted above and in the director's decision.

As the applicant has not submitted sufficient credible evidence of residency, she therefore has not met her burden of proof in showing that he had continuously resided in the United States in an unlawful status from before January 1, 1982 through May 4, 1988. Accordingly, the applicant has not established eligibility to adjust status to Legal Permanent Resident status under section 1104 of the LIFE Act.

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