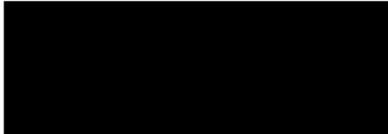


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U.S. Citizenship  
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FILE:



Office: HARTFORD

Date:

NOV 16 2007

MSC 02 310 60830

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.

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, Boston, Massachusetts, and is now before the Administrative Appeals Office (AAO) 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 from before January 1, 1982 through May 4, 1988.

On appeal, counsel asserts that the director abused his discretion by imposing a higher burden than a preponderance of evidence.

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).

Further, under section 1104(c)(2)(B)(i) of the LIFE Act each applicant for permanent resident status must establish that he or she entered and commenced residing in the United States *prior to January 1, 1982*.

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 documents. *See* 8 C.F.R. § 245a.2(d)(3)(vi)(L).

On appeal, counsel asserts, in part:

In addition to his own testimony, [the applicant] submitted various dated medical records, department store receipts, and employment records including his name and address, fee receipts issued by INS, affidavits of third parties, statements of third parties, identification, previously filed federal income tax returns, letters from employers, several employment authorization documents, demonstrating that he entered the United States before January 1, 1982, resided continuously in the United States in an unlawful status since that date through May 4, 1988 and that he was continuously physically present in the United States during the period beginning on November 6, 1986, and ending on May 4, 1988.

A review of the record, however, does not support counsel's assertion. In an attempt to establish continuous unlawful residence since before January 1, 1982 through May 4, 1988, the applicant only provided a declaration outlining his alleged entry into the United States in 1981, and his alleged residences in the New York and Illinois.

Personal testimony by an applicant which is not corroborated, in whole or in part, by other credible evidence will not serve to meet an applicant's burden of proof. 8 C.F.R. § 245a.12(f).

Along with his LIFE application, the application submitted a Form G-325A Biographic Information Form, which he indicated that he resided in his native Pakistan from 1980 until October 1987. Given the applicant's inability to meet the statutory requirement of residence in the United States since before January 1, 1982, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

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