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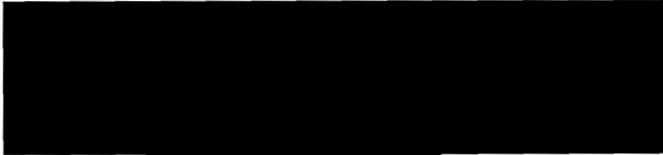
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20 Mass. Ave., N.W., Rm. 3000  
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U.S. Citizenship  
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FILE: [REDACTED]  
MSC 02 248 65954

Office: LOS ANGELES

Date: **MAR 21 2008**

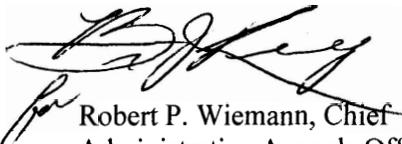
IN RE: Applicant: [REDACTED]

- 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 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, the applicant asserts that he has been residing in the United States since 1981, and provides additional evidence in support of his 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. 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 notarized affidavit from a family friend, \_\_\_\_\_ of Long Beach, California, who attested to the applicant’s residences in Long Beach from March 1981 to June 1989.

- A notarized affidavit from a relative, [REDACTED] of Long Beach, California, who attested to the applicant's residences in Long Beach from March 1981 to June 1989.
- A Social Security statement dated October 13, 2005, reflecting the applicant's earning since 1988.
- A notarized affidavit from [REDACTED] of Long Beach, California, who attested to the applicant's residence in the United States since 1981. The affiant asserted the applicant babysat her son.
- A notarized affidavit from [REDACTED] of Carson, California, who attested to the applicant's residence in the United States since 1981. The affiant asserted the applicant used to cook for his family and occasionally washed his car.

The AAO does not view the affidavits from the affiants as substantive enough to support a finding that the applicant entered and began residing in the United States before January 1, 1982, to through 1987.

The applicant has not provided any credible evidence such as a lease agreement, rent receipts, or utility bills to corroborate his residences in the United States during the requisite period. The applicant indicated that since entering in 1981, he has been employed as a cleaner/caretaker, gasoline attendant and janitor, but he has provided no documentation to substantiate his claim.

[REDACTED] and [REDACTED] claimed to have known the applicant since 1981, but provide no address for the applicant, and no details regarding the nature or origin of their relationships with the applicant or the basis for their continuing awareness of the applicant's residence. [REDACTED] and [REDACTED] attested to the applicant's residence in Long Beach, California, but provided no details regarding the nature or origin of their relationships with the applicant or the basis for their continuing awareness of the applicant's residence.

Doubt cast on any aspect of the petitioner'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. *Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988).

The evidence of record submitted does not establish with reasonable probability that the applicant was already in the United States before January 1, 1982, and that he was in a continuous unlawful status up to his *alleged re-entry* on May 29, 1988.

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). Given the credibility issues arising from the documentation provided by the applicant, it is determined that the applicant has failed to meet this burden. Accordingly, the applicant is ineligible for adjustment to permanent resident status under section 1104 of the LIFE

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