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U.S. Department of Homeland Security
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Washington, DC 20529

U.S. Citizenship
and Immigration
Services

FILE: [redacted] Office: Los Angeles Date: OCT 21 2004

IN RE: Applicant: [redacted]

PETITION: 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. 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, Director
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 sustained.

The district 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 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).

When something is to be established by a preponderance of the evidence it is sufficient that the proof establish that it is probably true. *See Matter of E-- M--*, 20 I. & N. Dec. 77 (Comm. 1989).

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).

The applicant is a class member in a legalization class-action lawsuit and as such, was permitted to previously file a Form I-687, Application for Temporary Resident Status Pursuant to Section 245A of the Immigration and Nationality Act (INA) on or about July 11, 1991. In support of her claim of continuous residence in the United States since prior to January 1, 1982, the applicant submitted the following documents:

- A photocopy of a certificate dated March 23, 1981, that is signed by Father [redacted], pastor of the chapel at the naval air station at Pt. Mugu, California. The certificate reflects that the applicant received her first communion at this institution on this date;

- A photocopy of restaurant bill from an unspecified establishment that is dated May 24, 1981;

- A photocopy of a time ticket dated June 13, 1981, reflecting hours worked by and wages paid to the applicant for a variety of jobs relating to the food service industry that were performed by her at an unspecified establishment;

- An original carbon copy of an "Employee Warning Report" that is signed by Raul Cruz and the applicant and indicated that she had been warned for carelessness relating to her work in the kitchen. The report is dated July 3, 1981 and notes that the applicant is still a minor as of that date;

- A photocopy of a time ticket dated August 15, 1981, reflecting hours worked by and wages paid to the applicant for a variety of jobs relating to the food service industry performed by her at an unspecified establishment;

- A photocopy of certificate dated August 21, 1981, reflecting the applicant's completion of a religious education program at St. Linus Church;

- Photocopies of a Western Airlines ticket and corresponding boarding pass from Las Vegas, Nevada to Los Angeles, California that bear the applicant's name and are dated December 3, 1981;

- A photocopy of a bill from the office of in Las Vegas, Nevada, for dental services rendered to the applicant in December 1981;

- A photocopy of the applicant's dental chart that is dated December 1981, yet is from an unidentifiable dental office;

- An affidavit dated June 22, 1985, that is signed by who provided her address and indicated that the applicant was her granddaughter and had resided with her providing care and household help since 1981 to the date the document was executed;

- A photocopy of a medical record that is signed by Steve Shin, contains the letterhead, "Shin's Acupuncture Clinic, " and is dated December 12, 1981. The document reflects the applicant's symptoms, conditions as well as the course of treatment performed by on December 12, 1981 and January 8, 1982;

- A letter dated December 28, 1981, that is signed by Doctor of Oriental Medicine, and contains the letterhead for his office in Anaheim, California. The letter is addressed to the applicant and discussed a insurance claim that she was pursuing for services rendered at this office;

- A photocopy of a Greyhound Bus ticket that contains an indiscernible date in 1981;

- Photocopies of a statement of account and corresponding summary of charges from the dental office of in Hollywood, California for services rendered to the applicant in the period from December 13, 1981 to September 4, 1983;

- Photocopies of numerous envelopes addressed to the applicant and postmarked for a variety of dates in 1981, 1982, and 1984;

- An affidavit signed by who provided her address and stated that she had personal knowledge that the applicant had resided in the United States because she met the applicant in August

1981, and she continued to be acquainted with the applicant as she resided next door to applicant's grandmother from August 1981 until November 1985;

- An affidavit signed by who provided her address and indicated that she had personal knowledge that the applicant had resided in the United States because she met the applicant at St. Linus Church in March 1981;

- An affidavit signed by who provided her address and indicated that she had personal knowledge that the applicant resided in the United States since 1981 because she resided with and provided personal and household care to her sister, up until her death in 1986;

- An affidavit signed by who provided her address and indicated that she had personal knowledge that the applicant had resided in the United States because the applicant had been introduced by her daughter in March 1982. stated that the applicant had visited her many times in her home beginning in March 1982 to October 16, 1989, the date the document was executed;

- A photocopy of a letter dated November 28, 1982, that is addressed to the applicant, signed by and contains the letterhead for his clinic Los Angeles, California. In his letter, stated that applicant is currently under treatment for diabetes;

- A photocopy of customer receipt from Western Union that is dated December 13, 1982 and reflects that the applicant wired money to a relative in the Philippines on this date;

- A photocopy of a an estimate dated November 3, 1983 that was subsequently converted to a bill of sale dated November 6, 1983, for a red carpet, four yards of red striped material, and unspecified amount of vinyl material sold by Tivio's Upholstery in Santa Ana, California to the applicant and her grandmother,

- An employment letter dated May 12, 1988, that is signed by owner of in Los Angeles, California, who stated that she employed the applicant at this enterprise from January 1986 to February 1987;

- An affidavit of residence signed by an individual whose first name is illegible but family name is who provided their address and declared that they had been the applicant's landlord when she resided at this address from October 1986 to February 1987;

- A photocopy of a letter dated November 16, 1986, that is signed by , office manager for the dental office of which reminded the applicant that she is due for a check-up; and,

- An affidavit signed by who stated that the applicant resided with her at an unspecified address providing her with both personal and household care from March 1987 to February 1988.

In this instance, the applicant submitted an overwhelming amount of evidence including but not limited to; affidavits, employment letters, and contemporaneous documents, attesting to her residence in the United States during the period in question. 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 on *Matter of E--M--, supra*, when something is to be established by a preponderance of evidence, the applicant only has to establish that the proof 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 documents that have been furnished, including contemporaneous evidence of residence as well as affidavits, 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 affidavits provided by the applicant, along with her contemporaneous documentation, support 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.