

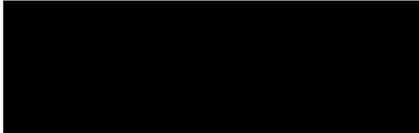
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U.S. Citizenship
and Immigration
Services

L2



FILE:



Office: DALLAS

Date: **FEB 27 2006**

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: 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, 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, Dallas, Texas, and is now before the Administrative Appeals Office 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 since before January 1, 1982 through May 4, 1988.

On appeal, the applicant asserts that he has submitted sufficient documentation establishing continuous residence in the United States from prior to January 1, 1982 through May 4, 1988. The applicant states that due to the passage of time, he is having difficulty obtaining additional evidence. The applicant requests that his application be reconsidered.

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

- An affidavit notarized June 5, 1994 from [REDACTED] of Houston, Texas who attested to the applicant's residences in Houston, Texas from January 1981 to January 1992.
- An additional affidavit notarized June 5, 1994 from [REDACTED] who attested to the applicant's employment at Spectrum Sportswear in Houston, Texas from February 1981 to December 1985 and at Spin-In-Market in Dickenson, Texas from January 1986 to December 1991. Mr. [REDACTED] indicated that he was a co-worker.
- Copies of several receipts issued in 1981, 1983, 1985, 1986 and 1987.

On April 1, 2003, the director issued a Form I-72 requesting that the applicant submit evidence of continuous residence in the United States from January 1, 1982 through May 1988. The applicant, in response, only provided additional copies of the receipts that were previously submitted. As the applicant's name was not listed on any of the receipts, they have no probative value or evidentiary weight.

On August 15, 2003, the director issued a Notice of Intent to Deny, which provided the applicant the opportunity to submit evidence to establish residence in the United States from January 1, 1982 to January 1986. The applicant, in response, submitted a statement explaining his attempts to file a Form I-687 application during application period, the events that occurred during his May 9, 1994 and April 1, 2003 interviews with Citizenship and Immigration Services (CIS) officers, and the receipts that he previously provided.

The applicant has claimed that he has continuously resided in the United States since 1981, nevertheless, he has only been able to provide CIS with two affidavits from the same affiant in support of his residence for the requisite period. It is unclear why the applicant would keep receipts that failed to contain his name, but not documentation listing his name such as lease agreements, utility bills or employee earning statements during these periods and subsequent years.

In light of the fact that the applicant claims to have continuously resided in the United States since 1981, this inability to produce contemporaneous documentation of residence raises serious questions regarding the credibility of the claim. It is concluded that he has failed to establish continuous residence in the United States for the required period. The applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

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