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

U.S. Citizenship and Immigration Services

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[redacted]

FILE: [redacted] Office: LOS ANGELES Date: JUN 1 4 2007

MSC 02 241 62312

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, California, 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 since before January 1, 1982 through May 4, 1988.

On appeal, the applicant states that she is submitting declarations to prove her presence in the United States since 1981. The applicant provides additional documentation in support of the 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. Section 1104(c)(2)(B) of the LIFE Act; 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 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).

On a form to determine class membership, which she signed under penalty of perjury on July 18, 1990, the applicant stated that she first entered the United States in December 1981. On her Form I-687, Application for Status as a Temporary Resident, which she also signed under penalty of perjury on July 11, 1990, that she had two absences from the United States during the requisite period, from July 28 to August 5, 1984 when she traveled to Mexico to deliver her baby, and from September 16 to October 1, 1987, when she made a personal trip to Mexico. The applicant stated on her Form I-687 application that she lived at [redacted], in Culver City, California from December 1981 to December

1987, and at [redacted]2, in Culver City from December 1987 through the date of her Form I-687 application. The applicant stated that she worked for [redacted] from December 1981 through December 1989.

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

1. A copy of a Century Cable Customer Agreement and Work Order, which shows the applicant's name with a service address of [redacted] in Santa Monica, California. The work order indicates that the purpose of the visit was to reconnect basic service. The work order shows a "date of entry" for the work order as August 7, 1981 with a scheduled date of August 25, 1981. We note, first, that the applicant stated on her form to determine class membership that she first entered the United States in December 1981, and did not indicate on her Form I-687 application that she had lived in Santa Monica at any time during the qualifying period. We note further that the signature block shows the applicant signed the work order on October 7; however, the year of the signature was not included on the copy of the work order submitted in support of her application. The date of the company representative's signature has been altered to change the month to October. The day was also written over and, as with the applicant's signature, the year was not included on the copy submitted. Furthermore, the completion date of the work order is shown as August 7, 1990. 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. 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 application. *Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988).

2. A July 11, 1990 notarized statement from [redacted], in which he stated that the applicant worked from him from December 1981 until December 1989. [redacted] stated that the applicant worked for minimum wages, including food and transportation, and that her duties included housekeeping and carpet cleaning. However, [redacted] did not indicate whether the information regarding the applicant's employment was taken from company records nor did he indicate the applicant's address at the time of her employment. 8 C.F.R. § 245a.2(d)(3)(i).

3. A September 18, 1990 letter from Our Lady of Angels Church in Los Angeles, California and signed by [redacted] who identified himself as the pastor. The letter indicates that the applicant had been a member of the parish since 1981. [redacted] stated that the information about the applicant was based on his personal knowledge; however, he did not indicate the information on which he relied in dating the applicant's attendance and membership in the parish. Although [redacted] provided the applicant's current address, he did not indicate the her address during the period of her membership in the parish. 8 C.F.R. § 245a.2(d)(3)(v).

4. A May 3, 2002 letter from [redacted], Spanish Center of Science of Mind, in San Diego, California, in which he stated that the applicant attended church, classes and seminars at the Science of Mind for twelve years. This document appears to conflict with the information provided in the letter, preciously discussed, from Our Lady of Angels Church.

5. A May 3, 2002 letter from [redacted] in which she stated that she has known the applicant since June 1981 when [redacted] lived in Los Angeles, California. This statement conflicts with the

information provided by the applicant on her form to determine class membership and her Form I-687 application, in which she stated that she first arrived in the United States in December 1981 and lived in Culver City. The applicant submitted no evidence to explain this inconsistency. *Matter of Ho*, 19 I&N Dec. at 582.

6. A June 20, 1982 receipt for flowers. The receipt is made out to [redacted]; however, although delivery was to be made to the applicant, no delivery address is shown.

7. An August 6, 1983 purchase ticket from the West Los Angeles Recycling Center showing the applicant as the seller.

8. A March 6, 1984 receipt from the [redacted]. The address of the restaurant is not shown. The applicant signed the receipt, which was in the amount of $7.14. However, as there is no apparent reason for her signature, it is unclear whether the receipt actually belongs to her or when she actually signed it. Further, the year in the date of the receipt has been written over, and it cannot be determined if the year was altered.

9. The applicant also submitted a Tupperware order form that shows a delivery date of January 3, 1986. However, the order form contains a copyright date of 1989, three years after it was allegedly prepared.

10. A June 15, 1987 receipt for the applicant from a vendor who is not identified on the receipt. The address shown on the receipt is [redacted]. The applicant stated on her Form I-687 application that she began living at at [redacted], in Culver City in December 1987. The applicant submitted no documentary evidence to explain this inconsistency in the record. *Matter of Ho*, 19 I&N Dec. at 591.

11. A June 27, 1990 affidavit from [redacted] who identified himself as a personal friend of the applicant, in which he stated that he was aware that the applicant left the United States on September 16, 1987 and returned on October 1, 1987.

12. A May 9, 2002 letter from [redacted] in which she stated that she has known the applicant for 15 years. [redacted] did not indicate the circumstances surrounding her initial acquaintance with the applicant or how she dated the acquaintance.

13. An April 5, 1988 receipt for the applicant from an unknown vendor. The applicant's name and the date are written in ink on the receipt, which is a carbon copy. Therefore, it cannot be determined when this information was added to the document.

14. A June 30, 1988 lay-away receipt for the applicant. Neither the vendor nor the vendor's address is reflected on the document. Additionally, the date and the information about the applicant are written in different ink than the price and initials of the person who received the payment.

According to the interviewing officer's notes taken during the applicant's LIFE Act adjustment interview on October 20, 2004, the applicant stated that she came to the United States in December 1981, and lived with her brother-in-law and sister-in-law in San Jose, California from 1981 to 1987, when she moved to Culver City. The applicant further stated that she did not have a steady job at this time and was supported by her husband. This information directly contradicts that provided by the applicant on her Form I-687 application,

in which she stated that she lived in Culver City, California from 1981 to 1987 and worked for [redacted] from December 1981 to December 1989. This information also casts doubt on the credibility of the statement from [redacted], who affirmed the applicant's employment during this time frame.

On appeal, the applicant submits the following documentation:

1. A letter from [redacted], in which she stated that she has known the applicant since 1981 because they attended church together at Science of Mind, and studied together before they graduated as practitioners. This information is inconsistent with the letter from Our City of Angels Church, in which [redacted] stated that the applicant attended church at Our City of Angels since 1981. *Matter of Ho*, 19 I&N Dec. at 591.

2. An October 29, 2004 letter from [redacted] in which she stated that she has known the applicant since 1981, having met her in her father's appliance shop. [redacted]s stated that the applicant worked on a temporary basis for her father, helping him to clean the shop and appliances. This information conflicts with that provided by the applicant on her Form I-687 application, in which she stated that she worked for [redacted] and with the information provided in the letter from [redacted], in which he confirmed the applicant's employment. *Id.*

3. A copy of a letter from [redacted] in which he stated that the applicant resided with him on a temporary basis from 1983 to 1987, at his address of [redacted]e, in San Jose, California, where she assisted him with housekeeping and cooking. The applicant did not list [redacted] as an employer on her Form I-687 application, and did not indicate that she had lived at this address or any address in San Jose. This information also conflicts with the information provided in the letter from [redacted]e, in which he stated that he employed the applicant from December 1981 to December 1989. The applicant submitted no evidence to explain these inconsistencies. *Id.*

On her Form G-325A, which she signed under penalty of perjury on May 22, 2002, the applicant stated that she was married on October 11, 1985 in Mexico. However, she did not include this absence on her Form I-687 application. Further, the applicant stated on her Form I-687 application that her absence from the United States from July 28 through August 5, 1984 was to give birth to a child. However, on her Form I-485, Application to Register Permanent Resident or Adjust Status, which she signed under penalty of perjury on May 22, 2002, the applicant stated that her son was born in Mexico on August 2, 1985. *Id.*

The applicant has submitted statements containing unresolved conflicting information regarding her presence in the United States, her work history, and her membership and attendance at religious institutions. Further, the applicant submitted documents that have been altered to indicate that they were issued at earlier dates. The applicant therefore has failed to submit relevant, probative or credible evidence to establish continuous residence in the U.S. for the required period.

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