U.S. Department of Homeland Security
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U.S. Citizenship and Immigration Services

L2

[redacted]

FILE: [redacted] Office: NEW YORK, NEW YORK Date: JUL 01 2008

MSC 02 150 61331

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. If your appeal was dismissed or rejected, all documents have been forwarded to the Citizenship and Immigration Services National Records Center. 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. If your appeal was sustained, or if the matter was remanded for further action, the record of proceedings was returned to the office that originally issued a decision in your case, and you will be contacted.

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 (director), New York, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be sustained. The matter will be returned to the director to complete the adjudication of the application for permanent residence.

The director denied the application because she determined that the applicant had not demonstrated that she had continuously resided in the United States in an unlawful status from before January 1, 1982 through May 4, 1988 and she had not demonstrated that she qualified for any exception to the basic citizenship skills requirement of this application.

On appeal, the applicant asserted that she did qualify for an exception to the basic citizenship skills requirement and otherwise qualified to adjust to lawful permanent resident status under the LIFE Act.[1]

An applicant for permanent resident status under the LIFE Act must establish that before October 1, 2000, he or she filed a written claim with the Attorney General for class membership in any of the following legalization class-action lawsuits: *Catholic Social Services, Inc. v. Meese, vacated sub nom. Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993)(CSS), *League of United Latin American Citizens v. INS, vacated sub nom. Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993)(LULAC), or *Zambrano v. INS, vacated sub nom. Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993)(Zambrano). *See* 8 C.F.R. § 245a.10.

An applicant for permanent resident status under section 1104 of the LIFE Act 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 through May 4, 1988. *See* § 1104(c)(2)(B) of the LIFE Act and 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 states that "[t]ruth is to be determined not by the quantity of evidence alone but by its quality." *Id.* at 80. 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

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[1] of Our Lady of Lourdes Church, New York, New York, filed a Form G-28 in this matter. That form purports that the Board of Immigration Appeals (BIA) has granted Ms. the status of accredited representative and her church the status of recognized organization. However, Ms. and Our Lady of Lourdes Church are not included in the BIA roster of recognized organizations and accredited individuals. *See* this BIA roster posted at the Executive Office of Immigration Review (EOIR) website http://www.usdoj.gov/eoir/statspub/recognitionaccreditationroster.pdf, accessed June 9, 2008. Therefore, all evidence in the record will be considered, but the applicant will be treated as self-represented in this matter.

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 petitioner 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 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 application and other statements of the applicant, both oral and written, are evidence to be considered. *See Matter of E-M-,* 20 I&N Dec. 77 at 79. The applicant's statements must not be the applicant's only evidence used to establish eligibility, but they should be viewed as valid evidence. *Id.*

The absence of contemporaneous evidence is not necessarily fatal to the applicant's claim of continuous residence in the United States during the statutory period. *See Id.* at 82-83. Affidavits that are consistent and verifiable may be sufficient to demonstrate continuous residence during the statutory period. *See Id.*

Documentary evidence may be in the format prescribed by Citizenship and Immigration Services (CIS) regulations. *See Matter of E-M-,* 20 I&N Dec. 77 at 80. For example, 8 C.F.R. § 245a.2(d)(3)(i) states that a letter from an employer should be signed by the employer under penalty of perjury and "state the employer's willingness to come forward and give testimony if requested." *Id.* Letters from employers that do not comply with such requirements do not have to be accorded as much weight as letters that do comply. *Id.* However, even if not in compliance with this regulation, a letter from an employer should be considered as a "relevant document" under 8 C.F.R. § 245a.2(d)(3)(iv)(L). *Id.* Also, affidavits that have been properly attested to may be given more weight than a letter or statement. *Id.* Nonetheless in determining the weight of a statement, it should be examined first to determine upon what basis it was made and whether the statement is internally consistent, plausible and credible. *Id.* What is most important is whether the statement is consistent with the other evidence in the record. *Id.*

Under section 1104(c)(2)(E)(i) of the LIFE Act, regarding basic citizenship skills, an applicant for permanent resident status must demonstrate that he or she:

(I) meets the requirements of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a))(relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States); or

(II) is satisfactorily pursuing a course of study (recognized by the [Secretary of Homeland Security]) to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States.

Under section 1104(c)(2)(E)(ii) of the LIFE Act, the Secretary of Homeland Security may waive all or part of the above requirements for aliens who are at least 65 years of age or who are developmentally disabled. *See also* 8 C.F.R. § 245a.17(c) which provides in relevant part:

> Exceptions. LIFE legalization applicants are exempt from the requirements listed under (a)(1) of this section if he or she has qualified for the same exceptions as those listed for naturalization applicants under §§ 312.1(b)(3) and 312.2(b) of this chapter.

8 C.F.R. § 312.1(b)(3) states the following:

> The requirements of paragraph (a) of this section [regarding demonstrating an ability to read, write and speak words in ordinary usage in the English language] shall not apply to any person who is unable, because of a medically determinable physical or mental impairment or combination of impairments which has lasted or is expected to last at least 12 months, to demonstrate an understanding of the English language as noted in paragraph (a) of this section. The loss of any cognitive abilities based on the direct effects of the illegal use of drugs will not be considered in determining whether a person is unable to demonstrate an understanding of the English language. For purposes of this paragraph, the term medically determinable means an impairment that results from anatomical, physiological, or psychological abnormalities which can be shown by medically acceptable clinical or laboratory diagnostic techniques to have resulted in functioning so impaired as to render an individual unable to demonstrate an understanding of the English language as required by this section, or that renders the individual unable to fulfill the requirements for English proficiency, even with reasonable modifications to the methods of determining English proficiency, as outlined in paragraph (c) of this section.

8 C.F.R. § 312.2(b) states the following:

> Exceptions.
>
> (1) The requirements of paragraph (a) of this section [regarding demonstrating a knowledge and understanding of the fundamentals of the history, and of the principles and form of government of the United States] shall not apply to any person who is unable to demonstrate a knowledge and understanding of the fundamentals of the history, and of the principles and form of government of the United States because of a medically determinable physical or mental impairment, that already has or is expected to last as least 12 months. The loss of any cognitive skills based on the direct effects of the illegal use of drugs will not be considered in determining whether an individual may be exempted. For the purposes of this paragraph the term medically determinable means an impairment that results from anatomical, physiological, or psychological abnormalities which can be shown by medically acceptable clinical or laboratory diagnosis techniques to have resulted in functioning so impaired as to render an individual to be unable to demonstrate the knowledge required by this section or that renders the individuals unable to participate in the testing procedures for naturalization, even with reasonable modifications.

> (2) Medical certification. All persons applying for naturalization [or seeking to adjust based on a LIFE legalization application] and seeking an exception from the requirements of § 312.1(a) and paragraph (a) of this section based on the disability exceptions must submit Form N-648, Medical Certification for Disability Exceptions, to be completed by a medical or osteopathic doctor licensed to practice medicine in the United States or a clinical psychologist licensed to practice psychology in the United States (including the United States territories of Guam, Puerto Rico, and the Virgin Islands). Form N-648 must be submitted as an attachment to the applicant's Form N-400, Application for Naturalization. These medical professionals shall be experienced in diagnosing those with physical or mental medically determinable impairments and shall be able to attest to the origin, nature, and the extent of the medical condition as it relates to the disability exceptions noted under § 312.1(b)(3) and paragraph (b)(1) of this section. In addition, the medical professionals making the disability determination must sign a statement on the Form N-648 that they have answered all the questions in a complete and truthful manner, that they (and the applicant) agree to the release of all medical records relating to the applicant that may be requested by [CIS] and that they attest that any knowingly false or misleading statements may subject the medical professional to the penalties for perjury pursuant to title 18, United States Code, Section 1546 and to civil penalties under section 274C of the Act. [CIS] also reserves the right to refer the applicant to another authorized medical source for a supplemental disability determination. This option shall be invoked when [CIS] has credible doubts about the veracity of a medical certification that has been presented by the applicant. An affidavit or attestation by the applicant, his or her relatives, or guardian on his or her medical condition is not a sufficient medical attestation for purposes of satisfying this requirement.

An applicant may establish that he or she has met the requirements of section 312(a) of the Immigration and Nationality Act (Act) by demonstrating an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language and by demonstrating a knowledge and understanding of the fundamentals of the history and of the principles and form of government of the United States. *See* 8 C.F.R. § 245a.17(a)(1) and 8 C.F.R. §§ 312.1 and 312.2.

An applicant may also establish that he or she has met the requirements of section 1104(c)(2)(E)(i) of the LIFE Act by providing a high school diploma or general educational development diploma (GED) from a school in the United States. *See* 8 C.F.R. § 245a.17(a)(2). The GED or high school diploma may be submitted either at the time of filing the Form I-485 LIFE Act application, subsequent to filing the application but prior to the interview, or at the time of the interview. *Id.*

Finally, an applicant may establish that he or she has met the requirements of section 1104(c)(2)(E)(i) of the LIFE Act by establishing that:

> He or she has attended, or is attending, a state recognized, accredited learning institution in the United States, and that institution certifies such attendance. The course of study at such learning institution must be for a period of one academic year (or the equivalent thereof according to the standards of the learning institution) and the curriculum must include at least 40 hours of instruction in English and United States history and government. The applicant may submit certification on letterhead stationery from a state recognized, accredited learning institution either at the time of filing

Form I-485, subsequent to filing the application but prior to the interview, or at the time of the interview (the applicant's name and A-number must appear on any such evidence submitted).

8 C.F.R. § 245a.17(a)(3).

An applicant who fails to pass the English literacy and/or the United States history and government tests at the time of the initial LIFE interview shall be afforded a second opportunity after 6 months (or earlier at the request of the applicant) to pass the required tests or to submit the evidence described above. *See* 8 C.F.R. § 245a.17(b).

The AAO maintains plenary power to review this matter on a *de novo* basis. 5 U.S.C. § 557(b) ("On appeal from or review of the initial decision, the agency has all the powers which it would have in making the initial decision except as it may limit the issues on notice or by rule."); *see also, Janka v. U.S. Dept. of Transp.*, NTSB, 925 F.2d 1147, 1149 (9th Cir. 1991). The federal courts have long recognized the AAO's *de novo* review authority. *See,* e.g. *Dor v. INS*, 891 F.2d 997, 1002 n. 9 (2d Cir. 1989). The AAO considers all pertinent evidence in the record, including new evidence properly submitted on appeal.[2]

At issue in this proceeding is whether the applicant has submitted credible evidence to meet her burden of establishing continuous unlawful residence in the United States during the requisite period and establishing that she has satisfied the basic citizenship skills requirement or that she qualifies for an exception to that requirement. Here, the applicant has met this burden.

On or about June 30, 1991, the applicant applied for class membership in a legalization class-action lawsuit and submitted the Form I-687. On February 27, 2002, the applicant filed Form I-485, Application to Register Permanent Resident or Adjust Status.

The record includes the following documents related to the applicant's claim that she is exempt from the LIFE legalization basic citizenship skills requirement:

1. The Form N-648, Medical Certification for Disability Exceptions, which is dated September 11, 2006. The Form was completed by [redacted] of the Upper Manhattan Mental Health Center, Inc. and states the following about the applicant. The AAO notes that much of this language is preprinted by CIS on the form which then requires the doctor to check "yes", "no", etc. to each issue. The applicant has been the doctor's patient for over two years. Based on the doctor's examination of the applicant, her symptoms, clinical tests or previous medical records, the applicant has a disability or impairment that affects her ability to learn or demonstrate knowledge. The applicant has had this disability or impairment for 12 months or longer and/or the doctor expects it to persist for 12 months or longer. The applicant's disability or impairment is not the result of illegal drug use. The doctor stated that the applicant is clinically depressed. She has

[2] The submission of additional evidence on appeal is allowed by the instructions to the Form I-290B, which are incorporated into the regulations by the regulation at 8 C.F.R. § 103.2(a)(1). The record in this case provides no reason to preclude consideration of any of the documents newly submitted on appeal. *See Matter of Soriano*, 19 I&N Dec. 764 (BIA 1988).

only borderline intellectual functioning. She has a history of diabetes and she endured a car accident that involved head trauma at age 15. Due to her low intelligence level, the applicant is not able to take tests and has not been able to learn English. In the doctor's judgment, the applicant is not able to learn and demonstrate an ability to read, write or speak English, nor is she able to demonstrate a knowledge of U.S. history or civics in a language that she understands.

2. The letter of [redacted], M.D., Psychiatrist, and [redacted] C.S.W., Primary Therapist, dated November 8, 2006 on the letterhead stationery of The Emma L. Bowen Community Service Center, (Also known as) The Upper Manhattan Mental Health Center, Inc., New York, New York. This letter states that the applicant has been receiving treatment at the above named facility since May 20, 2004 for Depressive Disorder NOS 311. It states that the applicant takes Wellbutrin XL 450 mg each morning for her depression and that she receives Psychotherapy every 3 weeks and sees the psychiatrist once a month for medication management. The applicant was also seen for psychological testing at the University Consultation Center for Mental Hygiene, Inc. The results of this testing is included with the letter. According to [redacted] and Ms. [redacted], these testing results state: that the applicant is illiterate in all languages and has a verbal IQ of 64; and that due to her low intelligence she is not able to take tests and has not been able to learn English.

3. The applicant's psychiatric evaluation updates dated May 20, 2004, May 10, 2005 and May 11, 2006, written by [redacted]. These evaluations appear to be the doctor's hand-written annual evaluations of the applicant. The relevant information from these lengthy evaluations may be summarized as follows. The applicant is receiving medications to treat her clinical depression. One evaluation states that the applicant is concerned about her mother's health, that she is eating less, and that she is in need of increased medication to treat her depression. Another evaluation specifies that the applicant is depressed, is unable to sleep and has no motivation even to take showers. The evaluations note that the applicant's intelligence is clinically below average and that she has borderline intellectual functioning.

4. The June 29, 2004 psychological evaluation of the applicant prepared by [redacted] Educational Psychologist. The evaluation is written on the letterhead stationery of University, Consultation & Treatment Center for Mental Hygiene, Inc., Bronx, New York. It states that the applicant's verbal I.Q. and full scale I.Q. are extremely low. The applicant has a verbal I.Q. of 64, a performance I.Q. of 77 and a full scale or full score I.Q. of 68.

5. The Form N-648 which is dated July 14, 2006. The Form was completed by [redacted] of the Upper Manhattan Mental Health Center, Inc. and makes similar findings about the applicant as those on the Form N-648 dated September 11, 2006 and summarized above. In addition, stated that the applicant has a learning

disability and she is not able in the doctor's professional judgment to learn and/or demonstrate a knowledge of English and/or U.S. history and civics.

The record includes the following documents related to the applicant's claim that she resided continuously in the United States from a date prior to January 1, 1982 through May 4, 1988:

1. The letter of Reverend dated December 14, 1990 on St. Rose of Lima Church/Iglesia Santa Rosa De Lima letterhead stationery. The letter bears an original signature and the original embossed stamp of Iglesia Santa Rosa De Lima. In his letter, Reverend Harper stated that the applicant had been attending services at St. Rose of Lima since January 1982, and that she is a member of the church who participates in the service activities of this church community.

2. The affidavit of [redacted] dated December 15, 1990 on which the affiant attested that from December 1981 through May 1983, he rented a bedroom in his apartment to the applicant. The affidavit is amenable to verification in that it includes the affiant's address, [redacted], New York, New York 10032.

3. The Form I-687 which is dated June 30, 1991. At item 33, the applicant listed that from December 1981 through May 1983 she resided at [redacted] New York, New York 10032.

4. The statement of [redacted] dated January 30, 1991 on which she stated that from May 1983 through August 1987, she rented a bedroom in her apartment to the applicant. The statement is amenable to verification in that it includes [redacted]s address, [redacted], New York, New York 10031.

5. The Form I-687 which is dated June 30, 1991 on which the applicant stated at item 33 that from May 1983 through August 1987 she resided at [redacted], New York, New York 10031.

6. The statement of [redacted]l dated June 28, 1991 on which she stated that from August 1987 through the date that she signed this statement that she rented a bedroom in her apartment to the applicant. The statement is amenable to verification in that it includes [redacted] address, [redacted]1, New York, New York 10031.

7. The Form I-687 which is dated June 30, 1991 on which the applicant stated at item 33 that from August 1987 through the date that she completed that form in June 1991, she resided at [redacted], New York, New York 10031.

8. The affidavit of [redacted] dated November 30, 1990 on which the affiant attested that he is the owner of [redacted]t and that the applicant worked as a waitress at this restaurant from January 1982 through October 1985. The affidavit is

amenable to verification in that it includes the telephone number of this restaurant and the address of this restaurant, [redacted] New York, New York 10040.

9. The Form I-687 which is dated June 30, 1991 on which the applicant stated at item 36 that from January 1982 through October 1985 she worked as a waitress at [redacted] New York, New York 10040.

10. The statement of [redacted] dated June 27, 1991 on which Ms. C[redacted] stated that from October 1985 through January 1987 the applicant babysat her children. The statement is amenable to verification in that [redacted] submitted another statement into the record, which is summarized at item 6 above which includes [redacted] address.

11. The Form I-687 which is dated June 30, 1991 on which the applicant stated at item 36 that from October 1985 through January 1987 she worked as a babysitter for [redacted], New York, New York 10031.

12. The statement of [redacted] dated January 23, 1991 on which [redacted] stated that from February 1988 through the date that she signed this document the applicant babysat for her children. The statement is amenable to verification in that it includes [redacted] address, [redacted], New York, New York 10031.

13. The Form I-687 which is dated June 30, 1991 on which the applicant stated at item 36 that from February 1988 through the date that she completed that form that she worked as a babysitter for [redacted] New York, New York 10031.

On July 28, 2004, the director issued a Notice of Intent to Deny (NOID) in which she indicated that the applicant had failed the basic citizenship skills examination at the July 28, 2004 LIFE interview. She notified the applicant that she would have a final re-examination on January 28, 2005. She indicated that if the applicant failed that examination or if she failed to appear for that second interview, her LIFE Act application would be denied.

On October 18, 2006, the director denied the application. In the notice of denial, the director explained that on the day of her second LIFE legalization interview, the applicant presented documentation meant to establish that she qualified for the disability exception to the basic citizenship skills requirement. However, the director found that the documentation submitted by the applicant's doctor and educational psychologist failed to establish a direct connection between the applicant's impairments and her ability to learn and acquire knowledge of English, history and civics and to demonstrate that knowledge on an examination. As such, the director denied the application based on the applicant's failure to meet the basic citizenship skills requirement or to show that she qualified for an exception to this requirement. The director also stated that the affidavits submitted into the record are not probative in that they are not amenable to verification. Based on this, the director found that the applicant

had failed to establish continuous residence in the United States throughout the statutory period. The director indicated that she was denying the application for this reason as well.

In addition, the director stated that the applicant failed to provide documentation of her August 1987 exit and September 1987 re-entry into the United States. The director indicated that she was denying the application **because of this. This point in the notice of denial is withdrawn.** The absence of contemporaneous documentation is not necessarily fatal to an applicant's claim of continuous residence in the United States during the statutory period. *See Matter of E-M-,* 20 I&N Dec. 77 at 82-83. Affidavits that are consistent and verifiable may be sufficient to demonstrate continuous residence during the statutory period. *See Id.*

On appeal, the applicant indicated that she had resided continuously in the United States during the statutory period. She also indicated that she did qualify for an exception to the basic citizenship skills requirement.

According to reports in the record written by a doctor, an educational psychologist and a clinical social worker, the applicant has medically determinable impairments that result from mental or psychological abnormalities. She is clinically depressed. She has abnormally or extremely low verbal I.Q. and full score I.Q. She also is learning disabled. The reports in the record indicate that these impairments may be identified by medically acceptable clinical or laboratory diagnosis techniques, such as the I.Q. examinations conducted by [redacted], an Educational Psychologist. These examinations led _____ to find that the applicant has an extremely low verbal I.Q. and full score I.Q. Also, as stated at item 2(b) on the Form N-648 dated September 11, 2006 in the record, where [redacted] was asked to provide the DSM-IV codes for each disability and/or mental impairment that relates to the doctor's clinical diagnosis, [redacted] applied the relevant medically acceptable clinical diagnosis techniques and summarized her findings as follows. The applicant has Depression Disorder NOS 311, Borderline Intellectual Functioning V62.89, as well as a history of diabetes and a past car accident that involved head trauma. According to the findings of professionals as laid out in the record, these impairments have resulted in functioning that is so diminished they render the applicant unable to learn and to demonstrate knowledge of the English language and U.S. history and civics. Such abilities are needed to fulfill the basic citizenship skills requirement. Thus, the AAO finds that the applicant has established that she qualifies for the medically determinable mental impairment exception to the basic citizenship skills requirement, as defined under regulations pertinent to LIFE legalization. *See* 8 C.F.R. § 245a.17(c). *See also* 8 C.F.R. §§ 312.1(b)(3) and § 312.2(b).

Regarding the continuous residence requirement, first, as noted earlier, if the applicant submits evidence of continuous residence that leads CIS to conclude 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).

The applicant submitted the letter of Reverend dated December 14, 1990 on St. Rose of Lima Church/Iglesia Santa Rosa De Lima letterhead stationery. The letter bears an original signature and the **original embossed stamp of Iglesia Santa Rosa De Lima.** In his letter, the reverend indicated that the applicant had been attending services at St. Rose of Lima from January 1982 through the date that he signed that letter. He indicated that he had personal knowledge that the applicant is a member of the church who participates in the service activities of this church community. The applicant submitted one affidavit and two statements from the various roommates with whom she shared apartments throughout the statutory period.

The applicant submitted one affidavit and two statements relating to her employment in the United States during the statutory period. All of the statements submitted are amenable to verification. They are internally consistent, consistent as to each other and consistent with the oral and written statements that the applicant has made and submitted into the record throughout these proceedings which indicate that the applicant resided continuously in the United States from December 1981 through the end of the statutory period.

Thus, the AAO finds that the applicant has established continuous residence in an unlawful status in the United States from prior to January 1, 1982 through May 4, 1988.

ORDER: The appeal is sustained. The director shall continue the adjudication of the application for permanent resident status.