



U.S. Citizenship
and Immigration
Services

AI

[Redacted]

FILE:

[Redacted]

Office: California Service Center

Date:

2007

IN RE:

Applicant:

[Redacted]

APPLICATION:

Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

[Redacted]

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 your case 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 temporary resident status was denied by the Director, Western Service Center. The matter was then remanded by the Administrative Appeals Office (AAO). The application was subsequently denied by the Director, California Service Center, and is again before the AAO on appeal. The appeal will be dismissed.

The directors denied the application because the applicant failed to establish that she had resided continuously in the United States from prior to January 1, 1982 through the date the application was filed.

On appeal, dated January 5, 1993, the applicant initially stated that she had resided in the United States since December 1981 with her husband and United States citizen children. She indicated that she would provide a legal brief within 60 days. However, she failed to do so, and never responded further.

An applicant for temporary resident status must establish that he or she entered the United States before January 1, 1982, and continuously resided in the United States in an unlawful status since such date and through the date the application is filed. *See* Section 245A(a)(2)(A) of the Act, 8 U.S.C. § 1255a(a)(2)(A).

An applicant for temporary resident status under section 245A of the 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.2(d)(5). To meet his or her burden of proof, an applicant must provide evidence of eligibility apart from his or her own testimony. 8 C.F.R. § 245a.2(d)(6).

The applicant was interviewed by an officer of the Immigration and Naturalization Service on April 18, 1988, shortly after she filed her application. The officer's notes indicate she recommended that the application be denied, as the applicant had not provided evidence of residence in the United States prior to 1983. The officer's notes further indicate she recommended denial of the applicant's husband's application as well, and pointed out that he had been deported in 1987.

In an effort to establish that she resided in the United States from December 1981, as claimed, through March 3, 1988, the date she filed her application, the applicant has submitted:

1. A California Department of Motor Vehicles receipt, dated March 8, 1982;
2. Five documents relating to her medical treatment at the New Rochelle, N.Y. Hospital Medical Center from February to July 1983;
3. A financial agreement with a hospital in West Covina, California dated February 8, 1984;
4. A receipt from the County of Los Angeles Department of Social Services dated March 26, 1984;
5. An envelope addressed to the applicant in San Diego, postmarked June 4, 1986.

Although the applicant stated on her application that she gave birth to three children in the United States, she has not provided copies of their birth certificates, immunization records, or school records. Nor has she claimed that evidence relating to her claim of residence might be in her husband's file. The items listed above as #2, 3 and 4 do appear to corroborate her claim to have given birth in the United States in 1983 and

1984. Nevertheless, she has not furnished any evidence relating to 1981, 1985, 1987 and 1988. Virtually all of the evidence relates to the two-year period of March 1982 to March 1984.

As stated above, the inference to be drawn from the documentation provided shall depend on the *extent* of the documentation. Although the documents appears to be legitimate, all of the documents save one relate to only two years of a six-year period, and therefore the documentation cannot be considered to be extensive.

It is concluded that the applicant has failed to establish that she *continuously* resided in the United States for the required period.

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