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U.S. Citizenship
and Immigration
Services

L2



FILE:



Office: LOS ANGELES

Date: DEC 23 2005

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, Los Angeles, California, 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 she had continuously resided in the United States in an unlawful status from before January 1, 1982 through May 4, 1988.

On appeal, the applicant asserts that she has submitted sufficient documentation establishing continuous residence in the United States from prior to January 1, 1982 through May 4, 1988. The applicant requests that her 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 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).

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

- A statement from [REDACTED] who attested to the applicant's residence at 906 [REDACTED] California from September 1981 to February 1983. Mr. [REDACTED] asserted that during that time period he was the manager of the building the applicant resided.
- An employment affidavit from [REDACTED] of Novedades Laurita in Huntington Park, California who indicated that the applicant was in her employ as a sales person from May 1983 to July 1986.
- An affidavit notarized June 9, 1993 from Julia Robles, independent distributor [REDACTED] in Los Angeles County, California who indicated that the applicant was in her employ as a sales person from January 1987 to December 1990.

- An affidavit from [REDACTED] who attested to the applicant's residence at [REDACTED] Los Angeles, California from March 1983 to May 1985.
- An affidavit notarized March 26, 2002 from [REDACTED] who indicated that the applicant assisted with the care of their children and resided in their home at [REDACTED] California from March 1981 to November 1985.
- An affidavit notarized March 28, 2002 from [REDACTED] real estate broker in South Gate, California who indicated that the applicant was in his employ as a secretary from 1985 to 1986.
- A letter dated April 2, 2002 from [REDACTED] who indicated that the applicant has been a member of St. Emydius Catholic Church in Lynwood, California since June 1985.

The director issued a Notice of Intent to Deny dated August 16, 2004, advising the applicant that the documents submitted were not corroborative and, therefore, were lacking in probative value. The applicant, in response, asserted that at the time of her entry in the United States she resided with [REDACTED] and [REDACTED] from January 1981 to 1985. The applicant stated that she took care of their children in exchange for room and board. The applicant provided copies of the documents initially submitted with her application.

On appeal, the applicant submits an affidavit from [REDACTED] a cousin, who attested to the applicant's residence in Canoga Park from November 1981 to February 1984 and in Lynwood since September 1984. The applicant also submits a letter dated September 10, 2004 from [REDACTED] pastor of St. Didacus Church in Sylmar, California who indicated that according to the church's records, the applicant has been a registered member residing with Fidel and Susana Espinoza since 1980

The applicant has provided conflicting information of which no explanation has been provided. Specifically,:

1. [REDACTED] attested to the applicant's residence at [REDACTED] Compton, California from September 1981 to February 1983. The applicant also listed this address and time period on her Form I-687 application. [REDACTED] and [REDACTED] however, indicated the applicant resided with them at [REDACTED] Sylmar, California during the same period of time.
2. [REDACTED] attested to the applicant's residence at [REDACTED] Los Angeles, California from March 1983 to May 1985. The applicant also listed this address and time period on her Form I-687 application. Fidel and Susana Espinoza, however, indicated the applicant resided with them at [REDACTED] Sylmar, California during the same period of time.

It must be noted that the address [REDACTED] is not indicated on the applicant's Form I-687 application.

3. The affidavit from the applicant's cousin, [REDACTED] contradicts [REDACTED] the [REDACTED] and [REDACTED] as well as the applicant's claim of [REDACTED]

residence on her Form I-687 application. The applicant claimed to have resided in Canoga Park from "June 1985" and did not claim any residence in "Lynwood."

Doubt cast on any aspect of an applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence. It is incumbent upon an applicant to resolve any inconsistencies in the record by independent objective evidence, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice. *Matter of Ho*, 19 I. & N. Dec. 582 (BIA 1988).

Given the numerous credibility issues arising from the documentation provided by the applicant, it is determined that the applicant has not met her burden of proof. The applicant has not established, by a preponderance of the evidence, that she entered the United States before January 1, 1982 and resided in this country in an unlawful status continuously from before January 1, 1982 through May 4, 1988, as required under 1104(c)(2)(B)(i) of the LIFE Act and 8 C.F.R. § 245a.11(b). Given this, 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.