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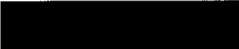
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**U.S. Citizenship  
and Immigration  
Services**

*L2*



FILE: 

Office: LOS ANGELES

Date: **DEC 28 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 sustained.

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.

It is noted that the director, in denying the application, did not set forth the specific reasons for the denial pursuant to 8 C.F.R. § 103.3. As such, the documentation submitted throughout the application process will be considered on 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. 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 California identification card issued on May 7, 1987.
- Several medical receipts from the office of [REDACTED] of Los Angeles, California dated in November and December 1984, and January, February, and March 1985
- Several envelopes postmarked in 1984 and 1985 and addressed to the applicant's residence at [REDACTED] Los Angeles, California.
- A 1985 wage and tax statement and letters from [REDACTED] president of Mayvens of California who indicated the applicant has been employed in its shipping department from February 14, 1985 through April 11, 2000.
- Several earnings statements issued in 1985 through 1987 from Mayvens of California.

- Rent receipts dated in February, March, April and October 1986.
- An affidavit from [REDACTED] who indicated that the applicant resided with her in Los Angeles, California from February 1982.
- A 1988 Report of State Income Tax Refund.
- An affidavit from [REDACTED] who indicated that she has been acquainted with the applicant since January 1988.
- An affidavit from [REDACTED] who indicated that she has been acquainted with the applicant since 198 [REDACTED] asserted that the applicant and his mother were co-workers.
- A declaration from [REDACTED] a co-worker, who indicated that she has been acquainted with the applicant since 1985.
- A declaration from [REDACTED] who indicated that she has been acquainted with the applicant since 1981 in the United States.
- Affidavits from [REDACTED] and [REDACTED] who indicated they became neighbors with the applicant in 1981 as they lived at the same address. [REDACTED] but in a different apartment. The affiants asserted that the applicant resided with [REDACTED]

The applicant also provided an affidavit from [REDACTED] in the Spanish language. Said affidavit, however, cannot be accepted, as it was not accompanied by a full English language translation. *See* 8 C.F.R. 103.2(b)(3).

In this instance, the applicant submitted evidence, including contemporaneous documents, which tends to corroborate her claim of residence in the United States during the requisite period. The district director has not established that the information in this evidence was inconsistent with the claims made on the application, or that it was false information. As stated on *Matter of E--M--*, *supra*, when something is to be established by a preponderance of evidence, the applicant only has to establish that the proof is probably true. That decision also points out that, under the preponderance of evidence standard, an application may be granted even though some doubt remains regarding the evidence. The documents that have been furnished may be accorded substantial evidentiary weight and are sufficient to meet the applicant's burden of proof of residence in the United States for the requisite period.

The documentation provided by the applicant supports by a preponderance of the evidence that the applicant satisfies the statutory and regulatory criteria of entry into the United States before January 1, 1982, as well as continuous unlawful residence in the country during the ensuing time frame of January 1, 1982 through May 4, 1988, as required for eligibility for legalization under section 1104(c)(2)(B)(i) of the LIFE Act.

Accordingly, the applicant's appeal will be sustained. The district director shall continue the adjudication of the application for permanent resident status.

**ORDER:** The appeal is sustained.