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



U.S. Citizenship
and Immigration
Services

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FILE:



Office: LOS ANGELES

Date:

SEP 29 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.

A handwritten signature in cursive script, appearing to read "Robert P. Wiemann".

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 since 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.

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).

The documents submitted throughout the application process are lacking credibility as they contradict the applicant's Form I-589, Application for Asylum filed on June 21, 1996 and her Form EOIR-40, Application for Suspension of Deportation filed August 28, 1996. Specifically,:

1. at part c of the Form I-589, the applicant indicated that she was seeking asylum because "in the year of 1982 I became an active member of the mentioned party [Democratic Mexican Political party]." The applicant further indicated that during her involvement with the party, she participated in party recruitment efforts and assisted with the election campaign. The applicant fled Mexico and traveled to the United States due the constant harassment by members of the opposite party.
2. at part 3, item 19 of the Form EOIR-40, the applicant indicated that her first entry into the United States was February 15, 1988.
3. at part 3, item 25, of the Form EOIR-40, the applicant claimed no absences from the United States since the date of her first entry.
4. on July 11, 1997 during her deportation hearing, the applicant informed the immigration judge that her first employment in the United States was as a domestic worker. It is noted that the employment documents submitted with her Form I-589 established employment as a domestic worker subsequent to February 1988.
5. the immigration judge's oral decision indicated that evidence reflects that the applicant first entered the United States on February 15, 1988 and had not made any departure since that time.

These factors raise grave questions about the authenticity of the employment statement from [REDACTED] and the affidavits from relatives and acquaintances attesting to the applicant's residence in the United States since before January 1, 1982 through January 1988.

Doubt cast on any aspect of the evidence 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. See *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988).

The director issued a Notice of Intent to Deny dated June 29, 2004, which advised the applicant of her testimony given during her deportation proceedings regarding the date of her first entry. The applicant, however, has not addressed this issue either in response to the Notice of Intent to Deny or on appeal.

Accordingly, it is concluded that the applicant has failed to establish, by a preponderance of evidence, continuous residence for the required period. Therefore, 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.