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U.S. Citizenship
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[REDACTED]

FILE:

[REDACTED]

Office: LOS ANGELES

Date: MAR 08 2006

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. 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 he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988.

On appeal, the applicant provides copies of affidavits previous submitted in response to the Notice of Intent to Deny.

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 CIS 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. 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:

- Several car payment receipts dated October 1, 1983 through January 21, 1984.
- An affidavit from [REDACTED] of Norwalk, California who indicated that she has known the applicant since 1980.
- An affidavit from [REDACTED] and [REDACTED] of Redondo Beach, California who indicated that they have known the applicant since 1980.
- An affidavit from [REDACTED] of [REDACTED] Burger in City of Lakewood, California who indicated that he has known the applicant since 1980. Mr. [REDACTED] asserted that the applicant was in his employ as a maintenance worker.
- An affidavit from [REDACTED] and [REDACTED] of Torrance, California who indicated that they have been acquainted with the applicant since 1980.
- An affidavit from [REDACTED] of Palos Verdes Estates, California who indicated that he has known the applicant since 1981.

- A blood bank donor card issued by the Los Angeles County/USC Medical Center indicating the applicant donated blood on June 26, 1984.
- A medical receipt dated in 1987.
- A California Department of Motor Vehicles driver license/identification card information request dated July 25, 1989, indicating that the applicant's driver license was first issued on March 16, 1984.
- A calling card issued by GTE on December 4, 1986.
- A letter dated May 14, 1993 from a State Farm insurance representative indicating that the applicant was added as a driver to State Farm insurance on May 12, 1986.
- A receipt from [REDACTED] Radio in Bell Gardens, California dated April 4, 1988.
- A visitor visa indicating the applicant was admitted into the United States on August 23, 1979 and February 3, 1983.

The director determined that the documentation submitted with the applicant's LIFE application was insufficient to establish entry prior to January 1, 1982 and of continuous residence through May 4, 1988. On May 16, 2003, the director issued a Form I-72, which provided the applicant the opportunity to submit additional documentation. The applicant, in response, submitted copies of: 1) a lease agreement entered into on September 6, 1980; 2) a Nautilus Heath Spa identification card issued on October 7, 1987; 3) his Form I-94 reflecting a February 3, 1983 entry into the United States; 4) a receipt from [REDACTED] Stereo in Downey, California dated July 3, 1986; 5) a medical receipt dated September 17, 1984; and 6) documents previously provided. The applicant also provided copies of several receipts dated during the requisite period. These receipts, however, have no evidentiary weight or probative value, as they did not include the applicant's name.

The director, in a Notice of Intent to Deny issued on July 26, 2004 advised the applicant that he had not submitted sufficient evidence to establish continuous residence in the United States prior to 1983. The applicant, in response, submitted additional affidavits from [REDACTED], [REDACTED] and [REDACTED] and [REDACTED] who reaffirmed their initial declarations. The applicant also submitted an additional copy of the lease agreement entered into on September 6, 1980. The applicant asserted that he signed the rental contract on September 6, 1980.

The director, in denying the application, indicated that the lease agreement lacked credibility, as the document did not exist in 1980 because it was copyrighted in 1983. On appeal, the applicant asserts:

I feel there [sic] is an error on the copyright. The correct copyright year should be 1980. On the first page of the contract it shows copyright 1983 and on page A it shows copyright 1980. I feel there was an error because I was included on the rental agreement when it was signed back in 1980.

The applicant's claim to have "signed the rental contract" is unfounded. A review of the lease agreement does not list the applicant's signature. Furthermore, the lease agreement lists the rental property at [REDACTED]

Downey, California.” The applicant indicated on his Form I-687 application that from August 1979 to September 1983 he resided at [REDACTED] Mount Prospect, Illinois. The applicant has not provided an explanation for this contradiction.

This factor along with the fact that the affidavits from [REDACTED] and [REDACTED] provide no detail regarding the nature or origin of their relationships with the applicant or the basis for their continuing awareness of the applicant’s residence raises questions about the authenticity of the documents the applicant has presented.

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 contradicting information, absence of a plausible explanation, along with the applicant’s reliance on affidavits, which do not meet basic standards of probative value it is concluded that the applicant has failed to establish continuous residence in the United States from prior to January 1, 1982 to February 2, 1983. 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.