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U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED]  
MSC 02 151 60224

Office: LOS ANGELES

Date: **MAY 25 2006**

IN RE: Applicant: [REDACTED]

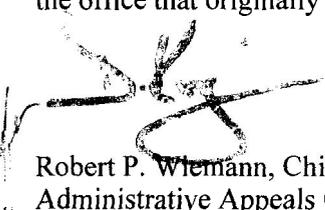
APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

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, Chief  
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 states that he has submitted all of his original evidence to establish that he was present in the United States prior to January 1, 1982 and that he has resided continuously in the United States in an unlawful status since that date. The applicant further states that most of his original documentation to establish his claim has been lost or destroyed.

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 “preponderance of the evidence” standard requires that the evidence demonstrate that the applicant's claim is “probably true,” where the determination of “truth” is made based on the factual circumstances of each individual case. *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm. 1989). In evaluating the evidence, *Matter of E-M-* also stated that “[t]ruth is to be determined not by the quantity of evidence alone but by its quality.” *Id.* Thus, in adjudicating the application pursuant to the preponderance of the evidence standard, the director must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.

Even if the director has some doubt as to the truth, if the petitioner submits relevant, probative, and credible evidence that leads the director to believe that the claim is “probably true” or “more likely than not,” the applicant or petitioner has satisfied the standard of proof. *See U.S. v. Cardozo-Fonseca*, 480 U.S. 421 (1987) (defining “more likely than not” as a greater than 50 percent probability of something occurring). If the director can articulate a material doubt, it is appropriate for the director to either request additional evidence or, if that doubt leads the director to believe that the claim is probably not true, deny the application or petition.

Although Citizenship and Immigration Services (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).

The applicant stated during his LIFE Act adjustment interview that he first unlawfully entered the United States in May 1981.

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

1. A copy of a June 28, 1981 receipt . There is no indication as to what the receipt is memorializing; however, it appears to be for rent for [REDACTED]
2. A copy of a September 6, 1981 receipt for a television, showing the applicant's address as [REDACTED]
3. A copy of an August 10, 1981 receipt for rent. The receipt does not reflect that the rent is for a particular address in the United States.
4. A February 8, 2004 sworn statement from [REDACTED] who stated that he has been a friend of the applicant since 1981, when they met at a friend's house.
5. Two April 16, 1990 sworn affidavits from [REDACTED] in which he stated that he had personal knowledge of the applicant's addresses in the United States from 1981 to the date of the affidavit. Mr. [REDACTED] indicated that he and the applicant were close friends, and that they were roommates when the applicant first arrived in the United States. The applicant submitted no evidence to establish that Mr. [REDACTED] was present in the United States during the stated time frame.
6. A July 6, 2004 sworn affidavit from [REDACTED] in which he stated that he has been a friend of the applicant's since 1981, and that the applicant was his roommate from February to November 1986.
7. A July 14, 1982 receipt for a pair of pants, showing the applicant's address as [REDACTED]
8. A copy of a May 4, 1983 receipt annotated for rent.
9. A copy of a June 4, 1983 receipt for a battery from a company in Compton, California.
10. A copy of a March 9, 1984 receipt for flowers.
11. A June 4, 1990 sworn affidavit from [REDACTED] in which he stated that he has known the applicant since 1985 when they met at a car wash. Mr. [REDACTED] does not state where this meeting took place.
12. A copy of a June 7, 1986 receipt for a glass bowl, showing the applicant with an address in Huntington Park, California.
13. Copies of pay stubs from [REDACTED], reflecting wages paid to the applicant in 1986 and 1987.
14. A copy of a 1987 California identification card for the applicant.
15. A copy of a May 9, 1987 invoice for a VCR, showing the applicant with an address in Huntington Park, California.
16. A copy of a May 3, 1988 receipt for a "car note."

We note that with the single exception of the 1983 receipt for the radiator, none of the receipts submitted by the applicant reflect the name or address of a company or other organization. Furthermore, the applicant submitted copies of several bills from the Department of Water and Power for the City of Los Angeles that are in the name of [REDACTED], who was identified by the district office as the applicant's brother-in-law. The applicant also submitted an employment letter and copies of pay stubs from [REDACTED] in the name of [REDACTED] an alias that he claimed to have used. However, the applicant submitted no corroborative evidence to establish that he has ever used this name.

On his Form I-687, Application for Status as a Temporary Resident, signed on April 16, 1990, the applicant claimed to have worked as a cook at fast food restaurants from June 1981 to the date of the application. The applicant did not allege that he worked for [REDACTED] or [REDACTED] the dates of which appear to overlap. An August 17, 1990 employment letter from [REDACTED] indicated that [REDACTED] had been known to the company as a produce vendor prior to being hired by the company in 1985. On his Form G-325A, Biographic Information, the applicant stated that he worked for [REDACTED] as a butcher from September 1986 to September 1989. It is incumbent upon the applicant to resolve any inconsistencies in the record, and the applicant must do so by submitting independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the applicant submits competent objective evidence pointing to where the truth lies. Doubt cast on any aspect of the applicant's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. *Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988).

As discussed above, the adjudication of the applicant's claim is a measure of both the quantity and quality of the evidence submitted. *See* 8 C.F.R. § 245a.12(e). Given the conflicting evidence and unresolved inconsistencies in the record, it is concluded that he has failed to establish continuous residence in the U.S. for the required period.

The applicant has, therefore, failed to establish that he resided in continuous unlawful status in the United States from before January 1, 1982 through May 4, 1988, as required under section 1104(c)(2)(B) of the LIFE Act. Given this, he 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.