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U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED] MSC 02 241 61672

Office: CHICAGO

Date: APR 27 2007

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:



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, Chicago, Illinois, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The 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. The applicant provides additional documentation in support of the 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. Section 1104(c)(2)(B) of the LIFE Act; 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 applicant 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).

On a form to determine class membership, which the applicant filed under penalty of perjury on June 21, 1990, the applicant stated that she first entered the United States in August 1981. On her Form I-687, Application for Status as a Temporary Resident, which she also signed under penalty of perjury on June 21, 1990, the applicant stated that she lived at the following addresses in Chicago during the qualifying period:

September 1981 to March 1985  
June 1985 to February 1987  
From June 1986

The applicant also stated that she worked for the following employers:

July 1983 to March 1984  
April 1987 to August 1987

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

1. A July 11, 1990 sworn statement from [REDACTED] in which they stated that the applicant lived with them at [REDACTED] from September 1981 to March 1985. The [REDACTED] stated that they supported the applicant until September 1983, but that she supported herself thereafter. The applicant submitted no documentation to corroborate that either she or the [REDACTED] resided at this address during the period stated.
2. A June 20, 1990 affidavit from [REDACTED] in which he stated that he had known the applicant in the United States since August 1982. Mr. [REDACTED] stated that he knew the applicant as a child in Mexico.
3. A July 31, 1987 sworn statement from [REDACTED] in which she stated that the applicant worked at her home as a housekeeper and babysitter from the spring of 1983 until the spring of 1984. Ms. [REDACTED] stated that the applicant worked as a live-in five days a week. Ms. [REDACTED] did not state where she lived at the time the applicant worked for her, and the applicant submitted no documentation to verify her employment with Ms. [REDACTED].
4. A July 10, 1990 sworn statement from [REDACTED] who stated that she currently lived at [REDACTED] in Chicago. Ms. [REDACTED] stated that the applicant lived with her from March 6, 1985 to February 15, 1987, but did not state that her current address was the one at which she lived at the time the applicant lived with her. The time frame given by Ms. [REDACTED] does not correspond with the time frame that the applicant stated that she lived on [REDACTED]. Ms. [REDACTED] stated that the applicant paid for her own room, board and other expenses. The applicant submitted no documentary evidence to corroborate that either she or Ms. [REDACTED] lived at the stated address during the relevant time frame.
5. An envelope addressed to the applicant at [REDACTED], indicating that the letter was returned to the sender in Mexico on September 19, 1985 because there was no forwarding address on file. The applicant did not state that she lived at this address at any time during the qualifying period. It is incumbent upon the applicant to resolve any inconsistencies in the record by 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. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).
6. A June 30, 1990 sworn statement from [REDACTED] in which he stated that he had known the applicant since 1986. Mr. [REDACTED] did not indicate how and under what circumstances he met the applicant. He further stated that the applicant lived with a "Mrs. [REDACTED]" from

February to June 1987. This statement conflicts with the information provided by the applicant on her Form I-687 application, in which she stated that she lived at [REDACTED] Augusta during this period. *Id.*

7. An envelope addressed to the applicant at [REDACTED] that contains an October 8, 1986 postmark. The applicant did not state that she lived at this address during the qualifying period. *Id.*
8. An unsigned personal identification card for the applicant, which contains an expiration date of December 10, 1986. The card does not indicate when or what agency issued the card.
9. A copy of a birth certificate, indicating that the applicant delivered a son on December 10, 1986 in Cook County Hospital, and a December 13, 1986 discharge summary. The applicant also submitted a copy of the applicant's son's immunization record, with entries beginning in 1987. The immunization record does not indicate where and at which medical facility the record was issued or administered.
10. A July 10, 1990 sworn statement from [REDACTED] in which she stated that the applicant lived with [REDACTED] from February 16 to June 8, 1987. This address does not correspond with either of those claimed by the applicant during this time period. *Id.*
11. A copy of a June 26, 1990 letter from [REDACTED], indicating that the applicant was employed at Unique Thrift Store in Chicago from April 13 to August 1987.
12. A June 25, 1990 sworn statement from [REDACTED] in which he states that the applicant lived in his apartment building located at [REDACTED] from June 1987 until the date of the statement.
13. A 1990 letter from the Hermosa Spanish Congregation of Jehova's Witnesses in Chicago, indicating that the applicant had been a member of the congregation since July 18, 1987. The letter does not indicate the source of the information contained in the letter and does not indicate the applicant's address at the time of her membership in the congregation. 8 C.F.R. § 245a.2(d)(3)(v).
14. A September 3, 2004 statement from Doctor [REDACTED] in Chicago, in which he stated that he had treated the applicant's son since July 24, 1987.
15. An envelope addressed to the applicant at 1849 [REDACTED] in Chicago, Illinois, with a canceled postmark dated January 21, 1988. The applicant did not claim to live at this address during the qualifying period. *Matter of Ho*, 19 I&N Dec. at 591.

On appeal, the applicant submitted the following documentation:

16. A September 6, 2004 sworn statement from [REDACTED], in which she stated that she has known the applicant since around 1984 or 1985.
17. A September 9, 2004 sworn statement from [REDACTED] who stated that based on the records of the Hermosa Spanish Congregation, the applicant has been associated with the congregation since July 10, 1984. This statement conflicts with the 1990 statement from the congregation,

indicating that the applicant had been a member since July 18, 1987. While the earlier statement did not state the basis of the information provided, the latter statement indicates that the information was taken from church records. However, the applicant submitted no objective evidence to corroborate her membership in the congregation. *See Matter of Ho*, 19 I&N Dec. at 591.

18. A copy of a September 1, 1987 rental receipt showing the applicant as the remitter. The receipt does not indicate the address of the rental unit.

The applicant submitted a copy of an envelope with an April 28, 1983 canceled postmark; however, the document does not contain an address or otherwise identify the applicant. The applicant also submitted an envelope addressed to the applicant at [REDACTED] in Chicago with a canceled postmark of April 3; however, the date is illegible. Further, the applicant did not indicate this as one of the addresses at which she lived during this period. Additionally, the applicant submitted a July 11, 1990 notarized letter from an Isabel, whose last name is illegible. The writer stated that she knew the applicant as a very good friend; however, she did not indicate when or where she met the applicant or that the applicant had lived in the United States continuously during the qualifying period. Other documentation submitted by the applicant is either subsequent to the qualifying period or contain dates that are illegible and therefore are not probative evidence in establishing the applicant's eligibility for benefits under the LIFE Act.

The statements of counsel on appeal regarding the amount and sufficiency of the applicant's evidence of residence have been considered. However, the applicant submitted conflicting information regarding her residences in the United States during the requisite time frame. Although she submitted contemporaneous or corroborative evidence of her presence and residency in the United States beginning in 1986, she failed to submit corroborative evidence or resolve the inconsistencies in the evidence submitted prior to that date.

Accordingly, it is concluded that the applicant has failed to establish continuous residence in the U.S. for the required period.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.