U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529

PUBLIC COPY

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

U.S. Citizenship and Immigration Services

L 1

[redacted]

FILE: [redacted] Office: New York Date: OCT 19 2007
MSC 05 207 10570

IN RE: Applicant: [redacted]

APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

[redacted]

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. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for temporary resident status pursuant to the terms of the settlement agreements reached in *Catholic Social Services, Inc., et al., v. Ridge, et al.,* CIV. NO. S-86-1343-LKK (E.D. Cal) January 23, 2004, or *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.,* CIV. NO. 87-4757-WDK (C.D. Cal) February 17, 2004, (CSS/Newman Settlement Agreements) was denied by the District Director, New York, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The district director denied the application because the applicant had failed to establish residence in the United States in an unlawful status from January 1, 1982 through May 4, 1988.

On appeal, counsel contends that the applicant had submitted sufficient evidence to Citizenship and Immigration Services or CIS (formerly the Immigration and Naturalization Service or the Service) to support his claim of continuous residence in the United States from prior to January 1, 1982 through May 4, 1988. Counsel contests findings made by the district director in denying the application. Counsel submits documentation in support of the appeal.

An applicant for temporary residence 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 the date the application is filed. *See* section 245A(a)(2) of the Immigration and Nationality Act (Act), 8 U.S.C. § 1255a(a)(2) and 8 C.F.R. § 245a.2(b).

An alien applying for adjustment to temporary resident status must establish that he or she has been continuously physically present in the United States since November 6, 1986. *See* section 245A(a)(3) of the Act and 8 C.F.R. § 245a.2(b)(1).

For purposes of establishing residence and presence in accordance with the regulation at 8 C.F.R. § 245a.2(b), "until the date of filing" shall mean until the date the alien attempted to file a completed Form I-687 application and fee or was caused not to timely file, consistent with the class member definitions set forth in the CSS/Newman Settlement Agreements. *See* Paragraph 11, page 6 of the CSS Settlement Agreement and paragraph 11, page 10 of the Newman Settlement Agreement.

An alien applying for adjustment of status has the burden of proving 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 under the provisions of section 245A of the Act, and is otherwise eligible for adjustment of status. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. *See* 8 C.F.R. § 245a.2(d)(5).

Although the regulation at 8 C.F.R. § 245a.2(d)(3) provides an illustrative list of contemporaneous documents that an applicant may submit in support of his or her claim of continuous residence in the United States in an unlawful status since prior to January 1, 1982, the submission of any other relevant document including affidavits is permitted pursuant to 8 C.F.R. § 245a.2(d)(3)(vi)(L).

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.

At issue in this proceeding is whether the applicant has submitted sufficient credible evidence to establish continuous residence in the United States from prior to January 1, 1982 through the date he attempted to file a Form I-687 application with the Service in the original legalization application period from May 5, 1987 to May 4, 1988. Here, the submitted evidence is not relevant, probative, and credible.

The record shows that the applicant submitted a Form I-687 application and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet, to CIS on April 25, 2005. At part #30 of the Form I-687 application where applicants were asked to list all residences in the United States since first entry, the applicant listed "[redacted]" in Berkeley, California from February 1981 to January 1985, "[redacted]" in Tulsa, Oklahoma from February 1985 to August 1987, and "[redacted] in Berkeley, California again from September 1987 to February 1989. Furthermore, at part #31 of the Form I-687 application where applicants were asked to list all affiliations or associations with clubs, organizations, churches, unions, businesses, etc., the applicant listed "N/A."

In support of his claim of residence in this country for the requisite period, the applicant included a declaration that is signed by [redacted] stated that he had personal knowledge of the applicant's continuous residence in the United States since 1981 because they had maintained an uninterrupted friendship since the applicant moved to this country. [redacted] noted that the applicant resided in Berkeley, California from 1981 to 1985, Tulsa, Oklahoma from 1985 to the end of 1987, and back to Berkeley, California at the end of 1987. While [redacted] provided general information relating to cities where the applicant purportedly lived during the requisite period, he failed to provide any specific, detailed, and verifiable testimony, such as the applicant's address(es) of residence in this country, to corroborate the applicant's claim of residence in this country since prior to January 1, 1982.

The applicant provided a declaration signed by who noted that he had personal knowledge of the applicant's continuous residence in the United States since March 1982 because he and the applicant had maintained an uninterrupted friendship by calling, writing, and visiting each other since such date. declared that the applicant resided in Berkeley, California from March 1982 to early 1985, Tulsa, Oklahoma from early 1985 to 1987, and then returned to Berkeley, California in 1987. Although testified that he regularly called, wrote, and visited the applicant while he was purportedly residing in this country since March of 1982, he did not supply any pertinent and verifiable testimony to support the applicant's claim of residence in the United States for the period in question.

The applicant submitted a declaration that is signed by stated that he was a hosting a social function at his home when he first met the applicant in 1984. indicated that the applicant resided on in Berkeley, California until 1985 when he moved to Oklahoma. declared that the applicant subsequently moved back to Berkeley, California in 1987 and that he unsuccessfully applied for legalization in either 1987 or 1988. However, admitted that he had no knowledge that the applicant resided in the United States from prior to January 1, 1982 until they first met in March 1984, other than what the applicant had told him.

The applicant included a declaration signed by , who stated that he first met the applicant in the fall of 1987 at a music and movie rental shop located in Berkeley, California. noted that the applicant resided on Ellsworth Street in Berkeley, California and worked for a local copy store and gas station in Antioch, California during this period. noted that the applicant had attempted to apply for legalization with the Service in January or February of 1988, but was told he was not eligible because of his absence from this country in 1982. Nevertheless, failed to attest to the applicant's residence in the United States from prior to January 1, 1982 up through the fall of 1987.

The applicant provided a confirmation that is signed by respectively. These individuals indicated that applicant attended religious gatherings of their small Muslim Community (Jafria Faith) at a religious center in Alum Rock, California beginning in 1982, and that he attended later religious gatherings when this organization moved to a larger religious center in Milpitas, California. However, all of the signatories failed to provide any direct and specific testimony relating to the applicant's residence in this country for that period from prior to January 1, 1982 to May 4, 1988. Further, none of these individuals listed their respective positions with or included the applicant's address of residence during that period that he was a member of this organization as required under 8 C.F.R. § 245a.2(d)(3)(v). Moreover, the applicant failed to provide any explanation as to why he did not list his membership in Jafria Faith at part #34 of the Form I-687 application where applicants were asked to list all affiliations or associations with clubs, organizations, churches, unions, businesses, etc.

The applicant submitted an employment letter signed by who listed his position as manager of the Gas For Less gas station in Antioch, California. stated that the applicant worked for this enterprise as a cashier from September 28, 1987 to November 17, 1988.

However, ailed to provide any testimony that the applicant resided in the United States since prior to January 1, 1982 to September 27, 1987.

The applicant also included an employment letter containing an illegible signature. This individual declared that the applicant was associated with the Copy Rite company from November 14, 1987 to September 10, 1988. This individual noted that the applicant was a part-time employee who worked as a production assistant and cashier during this period. Nevertheless, this individual failed to attest to the applicant's residence in this country from January 1, 1982 to November 13, 1987.

The applicant provided photocopies of five separate postmarked envelopes addressed to him at the address he claimed to reside in Berkeley, California at part #33 of the Form I-687 application. These envelopes were purportedly mailed to the applicant from Pakistan, bore Pakistani postage stamps, and contained postmarks dated March 16, 1981, March 18, 1981, May 6, 1982, August 16, 1982, and November 27, 1988, respectively.

The applicant submitted an affidavit that is signed by stated that he first met the applicant in the fall of 1987 at a friend's place in Berkeley, California. indicated that he helped the applicant obtain a job at a local copy store and loaned him money so that the applicant could apply for legalization in January 1988. noted that the applicant was unsuccessful in his attempt to apply for legalization with the Service because he had been absent from this country in 1982. However, failed to attest to the applicant's residence in the United States from prior to January 1, 1982 up through the fall of 1987.

The applicant included a notarized declaration signed by who stated that he first met the applicant in late 1987 at local religious event in Berkeley, California. declared that he accompanied the applicant when he attempted to apply for legalization with the Service in January of 1988 and the applicant was informed that he was not eligible because of his absence from this country in 1982. Nevertheless, failed to provide any testimony relating to the applicant's residence in the United States from prior to January 1, 1982 up through late 1987.

The applicant provided a letter signed by that contained the letterhead of Verizon's Occupational Health component at) in Brooklyn, New York. listed her position as Medical Director and stated that she evaluated and treated the applicant for a minor medical condition that responded well to treatment in July 1982. However, failed to assert that she was practicing medicine in the Berkeley, California area on such date and did not provide any testimony as to the location where this purported treatment took place. The letter signed by reflected that as of June 22, 2004, her place of employment was Brooklyn, New York. The applicant has never provided testimony indicating that he traveled to the Brooklyn, New York area at any time and claimed that he was residing in Berkeley, California in July of 1982 when he allegedly received medical treatment from This letter must be considered to be of limited probative value without corroborative medical records and additional testimony specifying the site where treated the applicant.

The applicant submitted a photocopy of a handwritten receipt dated November 7, 1981 that contained the applicant's signature and acknowledged his receipt of $65.00 for twenty hours of work. The receipt is written on a page of stationary from the Baker Hotel in San Francisco, California.

The applicant included a photocopy of check from the U.C. Hotel in Berkeley, California dated December 9, 1984 and made payable to the applicant in the amount of eighteen dollars.

The applicant provided a declaration that is unsigned, but was executed on behalf of declared that he first met the applicant in a shop on University Avenue in Berkeley, California in 1985. indicated that he subsequently met the applicant on occasion in community gatherings in the area. However, failed to provide any specific, detailed, and verifiable testimony, such as the applicant's address(es) of residence in this country, for that period from 1985 to May 4, 1988. In addition, failed to provide any testimony that the applicant resided in the United States from prior to January 1, 1982 up though the date he first met the applicant in 1985.

The applicant submitted a declaration signed by who noted that he was the property manager for California. stated that the applicant had been a tenant at , in Berkeley California from September 1987 to February 1989. While testimony tended to corroborate the applicant's claim of residence for the stated period, failed to attest to the applicant's residence in the United States prior to September 1987 despite the fact that the applicant also claimed to have resided at this same address in Berkeley, California from February 1981 to January 1985 at part #33 of the Form I-687 application.

The applicant also submitted copies of documentation associated with his previous filings of a Form I-485 LIFE Act application on June 21, 2002 and another separate Form I-687 application on December 11, 1990.

On March 10, 2006, the district director issued a notice of intent to deny to the applicant informing him of CIS's intent to deny his application because he failed to submit sufficient evidence of continuous unlawful residence in the United States from January 1, 1982 through May 4, 1988. The applicant was granted thirty days to respond to the notice.

In response, counsel submitted a statement in which she declared that Service documents contained in the record indicated that he had been granted permanent residence. Counsel submitted copies of an undated letter from the Service informing the applicant that he had been granted permanent resident status, a Form I-181, Memorandum of Creation of Record of Lawful Permanent Residence, and three Form G-601, Adjudications Control Cards. However, a review of Service procedures demonstrates that such documents were created once an alien filed a Form I-485 LIFE application as a contingency if such alien was subsequently determined to be eligible for permanent residence under the provisions of section 1104 of the LIFE Act. The record reflects that these documents were

created when the applicant submitted his Form I-485 LIFE Act application on June 21, 2002 and that the Form I-485 LIFE Act application was subsequently denied on November 16, 2004.

Counsel included a copy of a notice dated March 7, 2003, issued to the applicant by CIS's Vermont Service Center. This notice informed the applicant that his claim that he had been front-desked (informed that he was ineligible when he attempted to apply for legalization in the original application period from May 5, 1987 to May 4, 1988) was determined to be credible. The notice instructed the applicant was instructed to file a Form I-687 application with the Texas Service Center and that the Form I-687 application would then be adjudicated as though filed during the initial filing period. However, the record shows that the applicant failed to do so and instead filed the Form I-687 application pursuant to CSS/Newman Settlement Agreements that is being adjudicated in these current proceedings.

Counsel provided a new letter signed by that contained the letterhead of Verizon's Occupational Health component at in Brooklyn, New York. Again, listed her position as Medical Director and stated that she evaluated and treated the applicant for a minor medical condition that responded well to treatment in July 1982. asserted that a family friend who also knew the applicant contacted her when the applicant became ill when he was visiting New York City. claimed that no medical records existed to reflect her treatment of the applicant because she performed the treatment as a courtesy to the family friend that initially contacted her about the applicant's illness. However, as discussed previously, the applicant has never provided testimony indicating that he traveled to the New York City area at any time and claimed that he was residing in Berkeley, California in July of 1982 when he allegedly received medical treatment from

Counsel submitted included photocopies of two separate receipts dated July 29, 1986 from "Century 21." However, such receipts are limited in probative value as neither receipt contains any notation to link these receipts to the applicant and the particulars of his claim of residence in the United States on such date.

The district director determined that the applicant failed to submit sufficient evidence demonstrating his residence in the United States in an unlawful status from January 1, 1982 through May 4, 1988, and, therefore, denied the Form I-687 application on August 14, 2006. Although the district director determined that was not listed as a licensed doctor by the New York State Education Department in the notice of denial, a review of the web site at http://www.op.nysed.gov reveals that of Brooklyn, New York with license number has been a licensed physician in New York State since September 15, 1975. In addition, the district director stated that the newest letter provided by with the response to the notice of intent to deny did not contain any phone numbers other than fax numbers. However, a review of this letter reflects that two phone numbers are listed in addition to two FAX numbers. Therefore, the district director's erroneous conclusions cannot be viewed as being dispositive in determining the credibility of testimony.

On appeal, counsel contended that the applicant had submitted sufficient evidence to support his claim of continuous residence in the United States from prior to January 1, 1982 through May 4, 1988.

As noted previously, the applicant submitted photocopies of five separate postmarked envelopes addressed to him at the address he claimed to reside in Berkeley, California at part #30 of the Form I-687 application. These envelopes were purportedly mailed to the applicant from Pakistan, bore Pakistani postage stamps, and contained postmarks dated March 16, 1981, March 18, 1981, May 6, 1982, August 16, 1982, and November 27, 1988, respectively. A review of the *2006 Scott Standard Postage Stamp Catalogue* Volume 5 (Scott Publishing Company 2005), reveals the following regarding the Pakistani postage stamps affixed to the postmarked envelopes:

- The envelope postmarked March 16, 1981 bears two postage stamps each with a value of three ruppes that contain the picture of [redacted] framed by a geometric design. This stamp is listed at page 19 of Volume 5 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 715 A357. The catalogue lists this stamp's date of issue as August 14, 1989. The envelope also bears two postage stamps each with a value of twenty-five paise that contain the number "25" surrounded by a geometric design. This stamp is listed at page 23 of Volume 5 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 837C A440a. The catalogue lists this stamp's date of issue as September 28, 1995. In addition, the envelope contains a single postage stamp with a value of two ruppes that contains a picture of [redacted]. This stamp is listed at page 25 of Volume 5 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 894 A482. The catalogue lists this stamp's date of issue as August 14, 1998.

- The envelope postmarked March 18, 1981 bears two postage stamps each with a value of two ruppes that contain the picture of [redacted] This stamp is listed at page 25 of Volume 5 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 894 A482. The catalogue lists this stamp's date of issue as August 14, 1998. The envelope also bears two postage stamps each with a value of four ruppes that contain the picture of [redacted]. This stamp is listed at page 25 of Volume 5 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 896 A482. Although the catalogue does not list a specific date of issue for this particular value of stamp, the catalogue lists the dates of issue for this series of stamps as 1998 to 2001.

- The envelope postmarked May 6, 1982 bears two postage stamps each with a value of three ruppes that contain the picture of [redacted] framed by a geometric design. This stamp is listed at page 19 of Volume 5 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 715 A357. The catalogue lists this stamp's date of issue as August 14, 1989. The envelope bears a single postage stamp with a value of ten ruppes that contains the picture of [redacted] next to a geometric design. This stamp is listed at page 22 of Volume 5 of the *2006 Scott Standard*

Postage Stamp Catalogue and is listed as catalogue number 814 A424. The catalogue lists this stamp's date of issue as September 11, 1994. The envelope also bears two postage stamps each with a value of four ruppes that contain the picture of [redacted] This stamp is listed at page 25 of Volume 5 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 896 A482. Although the catalogue does not list a specific date of issue for this particular value of stamp, the catalogue lists the dates of issue for this series of stamps as 1998 to 2001.

- The envelope postmarked August 16, 1982 bears two postage stamps each with a value of three ruppes that contain the picture of [redacted] framed by a geometric design. This stamp is listed at page 19 of Volume 5 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 715 A357. The catalogue lists this stamp's date of issue as August 14, 1989. The envelope bears a single postage stamp with a value of twenty-five paise that contains the number "25" surrounded by a geometric design. This stamp is listed at page 23 of Volume 5 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 837C A440a. The catalogue lists this stamp's date of issue as September 28, 1995. In addition, the envelope bears four postage stamps each with a value of two ruppes that contain the picture of [redacted] This stamp is listed at page 25 of Volume 5 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 894 A482. The catalogue lists this stamp's date of issue as August 14, 1998.

- The envelope postmarked November 27, 1988 bears a single postage stamp with a value of ten ruppes that contains the picture of [redacted] next to a geometric design. This stamp is listed at page 22 of Volume 5 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 814 A424. The catalogue lists this stamp's date of issue as September 11, 1994. The envelope also bears a single postage stamp with a value of twenty-five paise that contains the number "25" surrounded by a geometric design. This stamp is listed at page 23 of Volume 5 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 837C A440a. The catalogue lists this stamp's date of issue as September 28, 1995. The envelope bears two postage stamps with a value of two ruppes that contain the picture of [redacted]. This stamp is listed at page 25 of Volume 5 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 894 A482. The catalogue lists this stamp's date of issue as August 14, 1998. In addition, the envelope bears a single postage stamp with a value of four ruppes that contains the picture of [redacted]. This stamp is listed at page 25 of Volume 5 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 896 A482. Although the catalogue does not list a specific date of issue for this particular value of stamp, the catalogue lists the dates of issue for this series of stamps as 1998 to 2001.

The fact the envelopes postmarked between March 16, 1981 and November 27, 1988 bear stamps first issued beginning in 1989 up through 2001 established that the applicant utilized documents in a

fraudulent manner and made material misrepresentations in an attempt to establish his residence within the United States for the requisite period.

Section 212(a)(6)(C) of the Act provides:

> Misrepresentation. – (i) In general. – Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible.

By engaging in such action, the applicant seriously diminished his own credibility as well as the credibility of his claim of continuous residence in this country for the period from prior to January 1, 1982 to May 4, 1988. In addition, the applicant rendered himself inadmissible to the United States under any visa classification, immigrant or nonimmigrant pursuant to section 212(a)(6)(C) of the Act by committing acts constituting fraud and willful misrepresentation.

The AAO issued a notice to both the applicant and counsel on December 21, 2006 informing both parties that it was the AAO's intent to dismiss the applicant's appeal based upon the fact that he utilized the postmarked envelopes cited above in a fraudulent manner and made material misrepresentations in an attempt to establish his residence within the United States for the requisite period. The AAO further informed the applicant that he was inadmissible to the United States under section 212(a)(6)(C) of the Act as a result of his actions. Counsel and the applicant were granted thirty days to provide substantial evidence to overcome, fully and persuasively, these findings. However, as of the date of this decision neither the applicant nor counsel has submitted a statement, brief, or evidence addressing the adverse information relating to the applicant's claim of residence in the United States since prior to January 1, 1982.

Doubt cast on any aspect of the applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the application. It is incumbent upon the 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).

The absence of sufficiently detailed supporting documentation and the existence of derogatory information that establishes the applicant used postmarked envelopes in a fraudulent manner and made material misrepresentations all seriously undermine the credibility of the applicant's claim of residence in this country for the requisite period, as well as the credibility of the documents submitted in support of such claim. Pursuant to 8 C.F.R. § 245a.2(d)(3), the inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. The applicant has failed to submit sufficient credible documentation to meet his burden of proof in establishing that he has resided in the United States since prior to January 1, 1982 to May 4, 1988 by a preponderance of the evidence as required under both 8 C.F.R. § 245a.2(d)(3) and *Matter of E- M-*, 20 I&N Dec. 77 (Comm. 1989).

Given the applicant's reliance upon documents with minimal or no probative value, it is concluded that he has failed to establish continuous residence in an unlawful status in the United States from prior to January 1, 1982 through May 4, 1988 as required under section 245A(a)(2) of the Act. The applicant is, therefore, ineligible for temporary resident status under section 245A of the Act on this basis.

In addition, the fact that the applicant utilized documents in a fraudulent manner and made material misrepresentations in an attempt to establish his residence within the United States for the requisite period rendered him inadmissible to this country pursuant to section 212(a)(6)(C) of the Act. By filing the instant application and submitting falsified documents, the applicant has sought to procure a benefit provided under the Act through fraud and willful misrepresentation of a material fact. Because the applicant has failed to provide independent and objective evidence to overcome, fully and persuasively, our finding that he submitted falsified documents, we affirm our finding of fraud. This finding of fraud shall be considered in the current proceeding as well as any future proceeding where admissibility is an issue. The applicant failed to establish that he is admissible to the United States as required by 8 C.F.R. § 245a.2(d)(5). Consequently, the applicant is ineligible to adjust to temporary residence under section 245A of the Act on this basis as well.

ORDER: The appeal is dismissed with a finding of fraud. This decision constitutes a final notice of ineligibility.

FURTHER ORDER: The AAO finds that the applicant knowingly submitted fraudulent documents in an effort to mislead Citizenship and Immigration Services and the AAO on elements material to his eligibility for a benefit sought under the immigration laws of the United States. Accordingly, he is inadmissible under section 212(a)(6)(C) of the Act.