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FILE: MSC-05-146-10972

Office: LOS ANGELES

Date: JUL 01 2008

IN RE: Applicant:



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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

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, and *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, Los Angeles. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet. The director determined that the applicant had not established by a preponderance of the evidence that he had continuously resided in the United States in an unlawful status for the duration of the requisite period. Specifically, the director stated that though the applicant testified that he first entered the United States on September 10, 1981 at the time of his interview with a Citizenship and Immigration Services (CIS) officer pursuant to his Form I-687 application, he submitted affidavits from individuals who attested to having met him in the United States before that date. She further noted that affiants from whom the applicant submitted multiple affidavits were not consistent in their testimony regarding when they first met the applicant. Because the applicant failed to provide consistent evidence regarding his residence in the United States during the requisite period, the director denied the application, finding that the applicant had not met his burden of proof and was, therefore, not eligible to adjust to Temporary Resident Status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, the applicant submits a brief. He asserts that the director did not review his case properly. He states that he actually first entered the United States in 1978 but began residing permanently in the United States on September 10, 1981.

An applicant for Temporary 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 the date the application is filed. Section 245A(a)(2) of the Act, 8 U.S.C. § 1255a(a)(2). The applicant must also establish that he or she has been continuously physically present in the United States since November 6, 1986. Section 245A(a)(3) of the Act, 8 U.S.C. § 1255a(a)(3). The regulations clarify that the applicant must have been physically present in the United States from November 6, 1986 until the date of filing the application. 8 C.F.R. § 245a.2(b)(1).

For purposes of establishing residence and physical presence under the CSS/Newman Settlement Agreements, the term “until the date of filing” in 8 C.F.R. § 245a.2(b) means until the date the applicant attempted to file a completed Form I-687 application and fee or was caused not to timely file during the original legalization application period of May 5, 1987 to May 4, 1988. CSS Settlement Agreement paragraph 11 at page 6; Newman Settlement Agreement paragraph 11 at page 10.

The applicant has the burden of proving by a preponderance of the evidence that he or she has resided in the United States for the requisite period, 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. 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 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.* at 80. 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, 431 (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 meet his or her burden of establishing continuous unlawful residence in the United States during the requisite period. Here, the applicant has failed to meet this burden.

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 February 23, 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 showed his address in the United States during the requisite period to be “Los Angeles, California,” from September 1981 until an unspecified month in 1989. It is noted that the applicant did not provide a street address that corresponds with his residency in Los Angeles during the requisite period. At part #32 where the applicant was asked to list all of his absences from the United States, he indicated that he had two absences during the requisite period. His first absence was from December 29, 1983 until January 15, 1984 when he

went to Mexico to get married and his second absence occurred from March 1, 1988 until March 16, 1988 when he went to Mexico because his father passed away. At part #33, where the applicant was asked to list all of his employment in the United States since he first entered, he showed that during the requisite period he was employed as a busboy at La Posta de Acapulco #1 in Los Angeles from September 10, 1981 until February 27, 1985; as a field worker at Kamb Farms in Mt. Vernon, Washington from August 10, 1986 until September 12, 1986; for [REDACTED] Mechanic Service in Los Angeles, California as a Mechanic Helper from March 1985 until 1989. It is noted that the applicant indicated that he was employed both as a mechanic in Los Angeles, California and as a field worker in the state of Washington in August and September of 1986. Further, the applicant indicated he was employed by Commerce Flowers beginning in 1989.

Also in the record are the notes from the CIS officer who interviewed the applicant. Here, the officer's notes indicate that the applicant stated that he first entered the United States on September 10, 1981.

The applicant has the burden of proving by a preponderance of the evidence that he has resided in the United States for the requisite period. 8 C.F.R. § 245a.2(d)(5). To meet his burden of proof, an applicant must provide evidence of eligibility apart from his own testimony. 8 C.F.R. § 245a.2(d)(6). The regulation at 8 C.F.R. § 245a.2(d)(3) provides an illustrative list of documentation that an applicant may submit to establish proof of continuous residence in the United States during the requisite period. This list includes: past employment records; utility bills; school records; hospital or medical records; attestations by churches, unions or other organizations; money order receipts; passport entries; birth certificates of children; bank books; letters or correspondence involving the applicant; social security card; selective service card; automobile receipts and registration; deeds, mortgages or contracts; tax receipts; and insurance policies, receipts or letters. An applicant may also submit any other relevant document pursuant to 8 C.F.R. § 245a.2(d)(3)(vi)(L).

Here, the applicant submitted numerous affidavits and employment letters in support of his application that are relevant to the requisite period. Details of examples of these documents are as follows:

Employment Letters:

The regulation at 8 C.F.R. § 245a.2(d)(3)(i) states, in pertinent part: that letters from employers should be on the employer letterhead stationary, if the employer has such stationary and must include the following: an applicant's address at the time of employment; the exact period of employment; periods of layoff; duties with the company; whether or not the information was taken from the official company records; and where records are located and whether the Service may have access to the records. The regulation further provides that if such records are unavailable, an affidavit form-letter stating that the alien's employment records are unavailable and noting why such records are unavailable may be accepted in lieu of statements regarding whether the information was taken from the official company records and an explanation of where the records

are located and whether USCIS may have access to those records. This affidavit form-letter shall be signed, attested to by the employer under penalty of perjury, and shall state the employer's willingness to come forward and give testimony if requested.

1. An employment letter from the owner of La Posta de Acapulco's #1 that is dated August 29, 1990. This letter states the applicant was employed part-time as a janitor at this restaurant from September 10, 1981 until February 27, 1985. It is noted here that the applicant stated on his Form I-687 that he was a busboy at this restaurant rather than a janitor. This employment letter fails to indicate whether the information regarding the applicant's employment was taken from official company records or how this restaurant was able to verify the applicant's dates of employment with the restaurant. Because this letter is lacking with regards to the criteria as defined in the regulation at 8 C.F.R. § 245a.2(d)(3)(i) and because the duties the letter states that applicant had with the restaurant are not consistent with what he stated on his Form I-687, this employment letter carries very minimal weight as proof that the applicant resided in the United States from September 1981 until February 1985.
2. An employment letter from the applicant's brother, [REDACTED] that was notarized on August 1, 1990. This letter asserts that the applicant was employed by him from March 1985 until 1989. The duties associated with this employment are not listed on this letter. Here, it is noted that the applicant indicated that he worked for both Kamb Farms in Washington State and as a mechanic assistant for his brother in Los Angeles, California during the months of August and September in 1986 on his Form I-687. This letter does not indicate the applicant's exact duties associated with this employment. There are no periods of layoff indicated and the employer has failed to state whether the information regarding the applicant's dates of employment while with the company came from official records or how the employer was able to verify these dates. Because this letter is lacking with regards to these criteria found in the regulation at 8 C.F.R. § 245a.2(d)(3)(i), little weight can be accorded to this employment letter as proof that the applicant resided in the United States during the requisite period.
3. Though it does not pertain to the requisite period, the applicant also submitted an employment verification letter from City of Commerce Flowers that shows the applicant was employed by them from October 1989 until July 2005.

Affidavits:

4. A declaration from [REDACTED] that is dated July 12, 2005. The declarant submits photocopies of his California Driver License issued to him in August 2000 and his Certificate of Naturalization that is dated April 12, 2000 with his declaration. The declarant states that he first met the applicant in June 1981. It is noted here that the applicant indicated that he began residing in the United States in September 1981. However, it is also noted that this declarant did not indicate where he first met the applicant

or whether he met him in the United States. This declarant states that he lived with the applicant at [REDACTED] in Los Angeles. Here, he fails to state when he resided with the applicant or whether it was during the requisite period. It is noted that though the applicant indicated he resided in Los Angeles during the requisite period, he did not indicate where in Los Angeles he resided. Because this declaration is significantly lacking in detail, it carries only minimal weight as proof that the applicant resided in the United States during the requisite period.

5. An affidavit from [REDACTED] that is dated July 12, 2005. The declarant submitted a photocopy of his Temporary Resident Card that was issued to him on November 30, 1988 and a copy of his California Driver License issued to him in November 2002 and a photocopy of his Permanent Resident Card as proof of his identity with his declaration. He also submits photocopies of envelopes showing he was sent mail to an address in the United States in 1978 and 1980. The declarant states that he first met the applicant in March 1981. Though it is noted that the applicant stated that he first entered the United States in September 1981 when he was interviewed by a CIS officer pursuant to his Form I-687 application. However, this declarant does not state in this declaration where he met the applicant or whether it was in the United States. This declarant states that he saw the applicant at a baptism during the requisite period. However, he does not indicate that he personally knows whether the applicant resided in the United States during the requisite period. Because of this and because this declaration is significantly lacking in detail, it carries only minimal weight as proof that the applicant resided in the United States during the requisite period.
6. An affidavit from [REDACTED] that was notarized February 21, 2004. In this affidavit, the affiant states that he met the applicant at a family reunion in 1981. He states that he personally knows that the applicant has resided in Los Angeles from February 1981 through the end of the requisite period. It is noted that the applicant stated at the time of his interview with a CIS officer pursuant to his Form I-687 application that he first entered the United States in September 1981. He further showed his first residence in the United States to have been in September 1981 on his Form I-687. Therefore, doubt is cast on this affiant's assertion that he knows the applicant resided in the United States since February 1981. Because of this and because this declaration is significantly lacking in detail, it carries only minimal weight as proof that the applicant resided in the United States during the requisite period.
7. A declaration from [REDACTED] that is dated July 12, 2005. The declarant submitted a photocopy of his California Driver License issued to him January 30, 2001 and a photocopy of his Resident Alien Card with his declaration. The declarant states that he met the applicant for the first time in 1982. He states that he knows the applicant arrived in the United States before 1982 because friends and family members told him about the applicant. He goes on to say that he visited the applicant at his house and that they spent Christmas together and that they are good friends. However, he fails to indicate where he

met the applicant or whether he met him in the United States. He does not state the frequency with which he saw the applicant during the requisite period or indicate whether there were periods of time during that period when he did not see the applicant. Because this declaration is significantly lacking in detail, it carries only minimal weight as proof that the applicant resided in the United States during the requisite period.

8. A declaration from [REDACTED] that is dated July 12, 2005. The declarant submitted her California Driver License issued to her on May 8, 2003 with her declaration. The declarant states that she first met the applicant in April 1982. She states that he met him through her mother and that she invited the applicant to her son's baptism. However, she does not indicate that she knows that the applicant resided in the United States during the requisite period. Therefore, it carries no weight as proof that the applicant did so.
9. A declaration from [REDACTED] that is dated July 12, 2005. The declarant submits photocopies of his California Identification Card issued May 14, 2002 and his Permanent Resident Card that shows he has been a Legal Permanent Resident in the United States since December 1, 1990 with his declaration. The declarant states he first met the applicant in March 1983. He goes on to say that he knows the applicant arrived in the United States before 1982 because friends told him about the applicant. He states that he saw the applicant on birthdays and at family reunions. However, he fails to indicate where he met the applicant or whether he met him in the United States. He does not indicate that he knows that the applicant resided in the United States during the requisite period. Therefore, it carries no weight as proof that the applicant did so.
10. A declaration from [REDACTED] that is dated July 12, 2005. The declarant submits his California Driver License issued to him in June 2004 and his Permanent Resident Card that shows he has been a resident since March 30, 1989 with his declaration. The declarant states he has known the applicant since June 1983. He states that he first met the applicant at a reunion with friends. However, he fails to indicate when or where this reunion took place or whether it took place in the United States. He states he knows the applicant arrived in the United States since before 1982 because friends told him that the applicant did so. The declarant fails to indicate the frequency with which he saw the applicant during the requisite period or to indicate whether there were periods of time during that period when he did not see the applicant. Because this declaration is significantly lacking in detail, it carries only minimal weight as proof that the applicant resided in the United States during the requisite period.
11. A declaration from [REDACTED] that is dated July 12, 2005. The declarant has submitted a photocopy of his California Driver License issued to him on May 17, 2005 and his Permanent Resident Card that shows he has been a resident since 1989 with his declaration. The declarant states he has known the applicant since June 1983. He states that the applicant is his family member and therefore he knows the applicant arrived in the United States prior to 1982. He states that the applicant is his cousin and that they see each

other at family reunions. However, he fails to indicate that he personally knows that the applicant resided in the United States during the requisite period. Therefore, this declaration carries no weight as proof that the applicant did so.

12. A declaration from [REDACTED] that is dated July 12, 2005. The declarant has submitted a photocopy of his California Identification Card issued to him on April 17, 2002 and a photocopy of his Permanent Resident Card that shows he has been a resident since 1990 with his declaration. He states that he first met the applicant in 1983. He states that he knows the applicant arrived in the United States prior to 1982 because family members told him that the applicant did so. Though the declarant states he met the applicant in 1983, he also states that he has seen the applicant on birthdays and baptisms since 1981. Because of this inconsistency and because this declaration is significantly lacking in detail, it carries minimal weight as evidence that the applicant resided in the United States from 1983 until the end of the requisite period.
13. A declaration from [REDACTED] that is dated July 12, 2005. The declarant submitted a photocopy of his California Identification Card issued to him in 2002 and a photocopy of his Permanent Resident Card that shows he has been a resident since 1989. The declarant states he first met the applicant in May 1985. He asserts that he knows the applicant arrived in the United States before 1982 because family members told him that the applicant arrived before that time. He states that he saw the applicant at a baptism and had a conversation with him at that time. However, he fails to indicate where and when this baptism took place. He does not state the frequency with which he saw the applicant during the requisite period. He fails to indicate whether there were periods of time during the requisite period when he did not see the applicant. Because this declaration is significantly lacking in detail, it carries minimal weight as proof that the applicant resided in the United States from May 1985 until the end of the requisite period.
14. A declaration from [REDACTED] that is dated July 12, 2005. The declarant submits a photocopy of her California Driver License issued to her in August 2000 with her declaration. The declarant states that she first met the applicant in September 1987 and that he frequently used to visit the family. She states that the applicant attended her birthday party in September 1987. However, the declarant fails to state the frequency with which she saw the applicant during the requisite period. She does not state whether there were periods of time during the requisite period when she did not see the applicant. Because this declaration is significantly lacking in detail, it carries only minimal weight as proof that the applicant resided in the United States from September 1987 until the end of the requisite period.
15. A declaration from [REDACTED] that is dated July 12, 2005. The declarant submits a photocopy of his California Identification Card issued to him in July 2001 and his Permanent Resident Card that indicates he has been a resident since October 1989. In his declaration, this declarant states he has known the applicant since March 1987. He states

that he knows the applicant arrived in the United States since prior to 1982 because friends introduced the applicant to him. He does not indicate how this led to him becoming aware of when the applicant first entered the United States. Though the declarant states that he first met the applicant in March 1987, he also states in this same declaration that he saw the applicant at a party in 1981 and has seen him at family reunions since that time. The declarant failed to indicate the frequency with which he saw the applicant during the requisite period or to state whether there were periods of time during that period when he did not see the applicant. Because the declarant is not consistent regarding when he first met the applicant and because it is significantly lacking in detail, this declaration carries minimal weight as proof that the applicant resided continuously in the United States for the duration of the requisite period.

16. **An affidavit from** [REDACTED] that was notarized on February 25, 2004. In this affidavit, the affiant states he has known the applicant since September 1981. He states that he met the applicant at a party and has been friends with him since that time. He states that he sees the applicant at family parties and at holiday parties. However, the affiant fails to indicate the frequency with which he saw the applicant at these parties, or to state whether there were periods of time during the requisite period when he did not see the applicant. Because this declaration is significantly lacking in detail, it carries minimal weight as proof that the applicant continuously resided in the United States for the duration of the requisite period.
17. A declaration from [REDACTED] that is dated July 12, 2005. The declarant submits a photocopy of his California Driver License issued to him in June 2004 and photocopies to two envelopes that indicate that he mailed letters to individuals in Mexico from San Diego in 1987. The declarant states that he met the applicant in March 1987. However, he fails to indicate where he met the applicant or to state whether it was in the United States. He further fails to indicate the frequency with which he saw the applicant during the requisite period or to state whether there were periods of time during the requisite period when he did not see the applicant. It is noted that this declaration from [REDACTED] is not consistent with his previously submitted declaration where he indicated he first met the applicant in 1981. Because of this inconsistency and because this declaration is significantly lacking in detail, this declaration can only be accorded minimal weight as proof that the applicant resided in the United States from March 1987 until the end of the requisite period.
18. **An affidavit from** [REDACTED] that was notarized February 23, 2004. The affiant states that he knows the applicant has resided in the United States in Los Angeles from January 1981 until February 2004. It is noted that the applicant has stated that he first entered the United States in September 1981. Therefore, doubt is cast on this affiant's assertion that the applicant has resided in the United States since January of that year. The affiant fails to state the frequency with which he saw the applicant during the requisite

period. He further fails to states whether there were periods of time during that period when he did not see the applicant.

19. An undated declaration from [REDACTED] who indicates he is the applicant's brother. He states in this declaration that in 1978 both he and the applicant came to the United States together and that he went to Oregon to work in the fields and the applicant stayed in Los Angeles at that time. It is noted that the applicant showed his first date of residence in the United States to have been in September 1981 on his Form I-687. The record also shows that when the applicant was interviewed by a CIS officer pursuant to his Form I-687 application he indicated that he first entered the United States on September 10, 1981. The declarant states that during the requisite period he would see the applicant approximately one time each month. However, it is noted that this declarant has also submitted an employment verification letter that indicates that he employed the applicant from March 1985 until 1989. The declarant failed to note that he employed the applicant in this letter. Because this letter is significantly lacking in detail, and because it is not consistent with other documents in the record regarding the applicant's date of first entry into the United States, this declaration carries minimal weight as proof that the applicant resided continuously in the United States for the duration of the requisite period.
20. An affidavit from [REDACTED] that is dated August 1, 1990. The affiant states that he is from the applicant's home town. He states that he saw him in Los Angeles in 1982 and that the applicant has been a residence in the United States since that time. However, this affiant fails to mention the frequency with which he saw the applicant during the requisite period. He does not state whether there were periods of time during the requisite period when he did not see the applicant. Because this affidavit is significantly lacking in detail, it carries minimal weight as proof that the applicant resided in the United States from 1982 until the end of the requisite period.
21. An affidavit from [REDACTED] that is dated August 1, 1990. The affiant states that she has known the applicant in Los Angeles since 1985. She states that the applicant visited her and her husband since that time. However, she fails to mention the frequency with which she saw the applicant during the requisite period. She did not state whether there were periods of time during the requisite period when she did not see the applicant. Because it is significantly lacking in detail, this affidavit carries minimal weight as proof that the applicant resided continuously in the United States for the duration of the requisite period.

Other documents:

22. The applicant's marriage certificate that shows he was registered to be married in July of 1982 in Guerrero, Mexico. It is noted that the applicant showed on his Form I-687 that he was absent from the United States from December 29, 1983 until January 15, 1984 when he went to Mexico to get married. The applicant did not show that he was absent from the United States in July 1982 on his Form I-687. This casts doubt on whether the

applicant has fully represented his absences from the United States during the requisite period to CIS.

It is noted that the applicant also submitted documents that state he resided in the United States after May 4, 1988. The issue in this proceeding is whether the applicant has submitted sufficient documentation to establish that he resided continuously in the United States from a date prior to January 1, 1982 until the end of the requisite period. The requisite period ended when the applicant attempted to file for legalization during the original filing period, which was from May 5, 1987 to May 4, 1988. Therefore, documents pertaining to the applicant's residency after that filing date ended are not relevant for this proceeding.

The director issued a Notice of Intent to Deny (NOID) on July 29, 2005. In her NOID, the director stated that the documents the applicant submitted in support of his application did not allow him to establish that he first entered the United States before January 1, 1982 and then resided continuously in an unlawful status for the duration of the requisite period. The director granted the applicant 30 days within which to submit additional evidence in support of his application.

The director also issued a Form I-72 that requested that the applicant submit proof of his residence from before 1982 within 30 days.

In response to the director's NOID, the applicant submitted the following documents:

1. A declaration from [REDACTED] that is dated August 25, 2005. The declarant states that she used to buy flowers in a flower shop where he worked since 1982. She states that she became friends with him in 1986 and that the applicant attended her wedding. It is noted here that the applicant indicated he was employed as a busboy, a field worker and a mechanic during the requisite period. He has submitted an employment verification letter showing that in 1982 he was working as a busboy. Though the applicant did submit proof that he worked for a flower shop to CIS, this document shows he was employed by this shop subsequent to the requisite period. The applicant also stated on his Form I-687 that he began working at a flower shop in 1989. Because this declarant states that she met the applicant at the flower shop where he worked in 1982 when the applicant claimed to be working as a busboy at a restaurant at that time, doubt is cast on the testimony given by this declarant regarding when and how she first met the applicant.
2. A declaration from [REDACTED] that is not dated. The declarant submits a photocopy of her California Driver License with this declaration. The declarant states she first met the applicant in 1982 at the flower shop where he worked. The testimony in this declaration is consistent with that which she provided in her declaration dated August 25, 2005. Therefore, doubt is cast on assertions made in this declaration for the reasons noted above.
3. A partial declaration from [REDACTED] that is not dated. The declarant provided photocopies of his California Driver License and his Permanent Resident Card with this

partial declaration. The declarant states that he is from the same city in Mexico as the applicant. He goes on to say that he saw the applicant "one time" at church in 1981. Though this affiant states he saw the applicant in church in 1981, he does not state where this church was or whether it was in the United States. He fails to indicate whether he knows if the applicant was residing in the United States when he saw him at this church. Further, he does not indicate the frequency with which he saw the applicant during the requisite period except to say that he saw him one time. Because of its significant lack of detail, this declaration carries minimal weight as proof that the applicant resided in the United States during the requisite period.

4. A second declaration from [REDACTED] that is not dated. In this declaration, the declarant states he first met the applicant at a family reunion. He also states that he is from the same city in Mexico and that he saw the applicant one time at church in 1981. However, he fails to state where this church was or whether it was in the United States. He states that he used to see the applicant approximately once a month and that sometimes he saw him at church. However, he fails to indicate whether there were periods of time during the requisite period when he did not see the applicant. Because it is significantly lacking in detail, this declaration can be accorded minimal weight as proof that the applicant resided in the United States for the duration of the requisite period.
5. A declaration from [REDACTED] that is dated August 22, 2005. The declarant submits photocopies of his Temporary Resident Card issued to him in 1987, his California Identification Card issued to him in 1979, his California Driver License issued to him on November 20, 1990 and his Certificate of Naturalization, issued to him on December 9, 1999 with his declaration. The declarant states that he met the applicant in 1984 in Los Angeles. He states that the applicant told him that he first entered the United States in 1981. He asserts that he saw the applicant at parties. However, he does not indicate the frequency with which he saw the applicant during the requisite period. He fails to indicate whether there were periods of time during the requisite period when he did not see the applicant. Because it is significantly lacking in detail, this declaration can be accorded minimal weight as proof that the applicant resided in the United States for the duration of the requisite period.
6. A second declaration from [REDACTED] that is not dated. This declaration contains testimony that is consistent with the testimony in the previous declaration submitted by this declarant.
7. A declaration from [REDACTED] that is dated August 22, 2005. The declarant submits a photocopy of her California Driver License issued to her in January 2004 with her declaration. This declarant states that her friend told her that the applicant arrived in the United States before 1982. This declarant states that she always saw the applicant and his friend's family functions. However, here the declarant does not state whether these family functions occurred in the United States or elsewhere. She further fails to indicate whether

he saw the applicant during the requisite period or, if she did, the frequency with which she saw the applicant during that time or whether there were periods of time during the requisite period when she did not see the applicant. Because it is significantly lacking in detail, this declaration can be accorded minimal weight as proof that the applicant resided in the United States for the duration of the requisite period.

8. A second declaration from [REDACTED] that is not dated. The testimony in this declaration is consistent with that in her previously submitted declaration.
9. A declaration from [REDACTED] that is dated August 22, 2005. The declarant submitted a photocopy of his California Driver License issued to him on April 22, 2005 and his Permanent Resident Card that shows he has been a Permanent Resident since November 4, 1989 with his declaration. In his declaration he states that he is from the same hometown in Mexico as the applicant. He asserts he himself entered the United States in 1980 and that he saw the applicant when the applicant first arrived in the United States. However, here, he fails to state when the applicant first arrived. He goes on to say that he saw the applicant every week since 1982. He states that he visits the applicant at his residence. He goes on to say that his wife and the applicant's wife are sisters. Though this declarant states he saw the applicant every week since 1982, he does not state whether there were periods of time when he did not see the applicant. Because of its significant lack of detail, this declaration carries minimal weight as proof that the applicant resided in the United States during the requisite period.
10. A second declaration from [REDACTED] that is not dated. The testimony in this declaration is consistent with that of his previously submitted declaration.
11. A declaration from [REDACTED] that is dated August 22, 2005. The declarant states she and the applicant know the same people and that she learned through speaking with them that the applicant entered the United States prior to 1982. She states that she met the applicant for the first time in approximately January 1981. It is noted here that the applicant testified at the time of his interview that he did not enter the United States until September 1981. However, it is further noted that the declarant does not state whether she met the applicant in the United States or elsewhere when she met him for the first time. She further states that the applicant went to a baptism party of a family member in 1982. She asserts that she saw the applicant at that time. However, she fails to indicate the frequency with which she saw the applicant during the requisite period. She does not state whether there were periods of time when she did not see the applicant during that time. Because it is significantly lacking in detail, this declaration can only be accorded minimal weight as proof that the applicant resided in the United States for the duration of the requisite period.
12. A second declaration from [REDACTED] that is not dated. The testimony in this declaration is consistent with that of her previously submitted declaration.

13. A declaration from [REDACTED] that is dated August 22, 2005. The declarant submitted photocopies of his California Driver License issued to him in October 2004 and his Permanent Resident Card that shows he has been a resident since October 2004. This declarant, who was born in 1978, states that he met the applicant in 1982 for the first time. However, he does not indicate where he saw the applicant when he first met him or whether it was in the United States. He states that he found out from his family that the applicant resided in the United States before 1982. The declarant states that the applicant invited him to parties at his house during the requisite period. However, he fails to indicate the frequency with which he saw the applicant during the requisite period. He further fails to state whether there were periods of time when he did not see the applicant. Because this declaration is significantly lacking in detail, it can be accorded minimal weight as proof that the applicant resided continuously in the United States for the duration of the requisite period.

14. A second declaration from [REDACTED] In this declaration, the declarant states that he first met the applicant through his aunt. However, he does not state where he first met the applicant or indicate whether he first met him in the United States.

15. A declaration that is not dated that is from [REDACTED]. The declarant submits a photocopy of his California Driver License issued to him August 2003 with his declaration. He states that he first met the applicant at the "City of Commerce Flowers" flower shop where he indicates that he and the applicant both worked. He states that he first met the applicant in 1982. It is noted that the applicant indicated that he worked at this flower shop on his Form I-687. However, he did not indicate he worked at this shop until 1989. The applicant indicated that he was working as a busboy at a restaurant in 1982 and he also submitted an employment verification letter stating that the applicant worked at that establishment from 1981 until 1985. Because of this inconsistency, doubt is cast on the assertions made by the declarant regarding the applicant's residency in the United States during the requisite period.

The director denied the application for temporary residence on July 13, 2006. In denying the application, the director noted that the applicant had submitted the documents noted above in response to her NOID. However, she stated that discrepancies in the evidence as follows caused the applicant to fail to meet his burden of establishing that he resided continuously in the United States for the duration of the requisite period:

- Though declarant [REDACTED] claimed to have known the applicant since January 1981, the applicant claimed that he did not enter the United States until September 10, 1981.

- Declarant [REDACTED] submitted two declarations that stated that this declarant first met the applicant both in 1981 and in March 1987, casting doubt on when he met the applicant.

- Declarant [REDACTED] stated that he first met the applicant in June 1981 and, again, the applicant stated that he did not enter the United States until September 10, 1981.

The director found that these discrepancies caused the applicant to fail to meet his burden of proof and she therefore denied the application.

On appeal, the applicant asserts that CIS has not reviewed his case properly. He states that he has previously submitted sufficient evidence to establish that he is eligible to adjust to Temporary Resident Status. He submits a brief. In this brief he states that he first entered the United States in 1978 but did not begin residing continuously in the United States until September 1, 1981. He states that he continuously resided in the United States from that time except for one exit in 1987. It is noted that the affidavit from [REDACTED] asserts that the applicant resided in Los Angeles from February 1981 until the end of the requisite period and the affidavit from [REDACTED] states that the applicant resided in Los Angeles, California from January 1981 until February 2004. The AAO also notes that the applicant has submitted his marriage certificate that shows he was in Mexico in July 3, 1982. He has further stated on his Form I-687 that he was in Mexico to get married from December 1983 to January 1984.

He states that he submitted more than 12 declarations with his application initially and that he submitted additional declarations subsequently. He states that it was in error that his brother, [REDACTED], stated that he has known the applicant since 1985 because he has actually known the applicant since the applicant was born. He affirms that the applicant also submitted an employment letter from [REDACTED] stating that the applicant worked with him from March 1985 until 1989. The applicant goes on to say that affiant [REDACTED] truthfully attested that he met the applicant in 1981 but the applicant goes on to say that this first meeting occurred during a temporary stay in the United States. It is again noted here that affiant [REDACTED] asserted that he knew that the applicant resided in the United States from January 1981 until February 2004. The applicant states that similar seeming discrepancies can be explained due to the same circumstances.

Though the applicant's brief provides a plausible explanation for why declarants would have stated that they met him before September 1981 in their declarations, his explanation does not explain why two affiants would have stated that the applicant began residing in the United States since before that time. Further, the applicant has submitted declarations from [REDACTED] and [REDACTED] that state that the declarants met the applicant in 1982 when he was working for a flower shop. However, he has stated on his Form I-687 that he did not work for any flower shops until after the requisite period ended. Similarly, he has submitted an employment letter from that shop that shows his employment with them began in October 1989. Though the applicant submitted numerous declarations, many of the declarants do not say that they personally know that the applicant resided in the United States for the duration of the requisite period. Declarations provide few details regarding the applicant's residence in the United

States. No declarants state whether there were periods of time during the requisite period when they did not see the applicant. This is significant because the applicant has not provided consistent testimony regarding his absences from the United States. Though one declarant, [REDACTED] states that he resided with the applicant in Los Angeles, he stated that he did so an address that the applicant did not specify that he resided at on his Form I-687. It is, however, noted that the applicant did not provide a street address that corresponds with his residency during the requisite period. The applicant stated that his first absence from the United States was from December 1983 until January 1984 when he went to Mexico to get married. However, he has submitted a marriage certificate that shows that he was married in Mexico in July 1982. This calls into question whether the applicant has fully represented all of his absences from the United States during the requisite period to CIS.

In this case, the absence of credible, sufficiently detailed, consistent documentation to corroborate the applicant's claim of continuous residence for the entire requisite period, as well as the inconsistencies and contradictions noted in the record, seriously detract from the credibility of his claim. Pursuant to 8 C.F.R. § 245a.2(d)(5), the inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. Given the inconsistencies in the record and the lack of credible supporting documentation, it is concluded that he has failed to establish by a preponderance of the evidence that he has continuously resided in an unlawful status in the United States for the requisite period as required under both 8 C.F.R. § 245a.2(d)(5) and *Matter of E- M--*, *supra*. The applicant is, therefore, ineligible for Temporary Resident Status under section 245A of the Act on this basis.

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