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U.S. Citizenship
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FILE: [REDACTED]
MSC-05-186-13670

Office: NEW YORK

Date: JUN 30 2008

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:

SELF-REPRESENTED

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, New York. 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, on April 4, 2005 (together, the I-687 Application). 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 noting that the information and documentation “submitted are insufficient to overcome the grounds for denial.” The director denied the application as 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 submitted a Form I-694 Notice of Appeal of Decision Under Section 210 or 245A and a statement already in the record of proceeding. On appeal, the applicant also submitted a letter from Islamic Council of Amercia Inc. Madina Masjid stating that the declarant knew that applicant while the declarant was an “Imam of Madina Masjid from 1982 – 1986.” As of this date, the AAO has not received any additional evidence from the applicant. Therefore, the record is complete.

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).

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 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. 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). To meet his or her burden of proof, an applicant must provide evidence of eligibility apart from the applicant's own testimony, and the sufficiency of all evidence produced by the applicant will be judged according to its probative value and credibility. 8 C.F.R. § 245a.2(d)(6).

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. *See* 8 C.F.R. § 245a.2(d)(6). The weight to be given any affidavit depends on the totality of the circumstances, and a number of factors must be considered. More weight will be given to an affidavit in which the affiant indicates personal knowledge of the applicant's whereabouts during the time period in question rather than a fill-in-the-blank affidavit that provides generic information. The regulations provide specific guidance on the sufficiency of documentation when proving residence through evidence of past employment or attestations by churches or other organizations. 8 C.F.R. §§ 245a.2(d)(3)(i) and (v).

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.

The issue in this proceeding is whether the applicant has furnished sufficient credible evidence to demonstrate that he entered before 1982 and continuously resided in the United States for the requisite period.

The record shows that the applicant submitted a Form I-687 Application and Supplement to Citizenship and Immigration Services (CIS) on April 4, 2005. At part #30 of the Form I-687 application where applicants are asked to list all residences in the United States since first entry,

the applicant listed his first address in the United States as [REDACTED], New York, New York, from August 1981 to May 1984. At part #33, he listed his first and only employment in the United States as a self-employed community religious teacher/priest from March 1981 to the present. At part #32, the applicant listed one absence from the United States. The applicant visited Bangladesh from January 1987 to March 1987.¹ At part #31, the applicant did not list any affiliations or associations.

The applicant has submitted many affidavits and letters; a copy of the applicant's passport issued in New York on February 2, 2005; a copy of the applicant's New York identification card issued on July 22, 2005; and a copy of the applicant's employment authorization card issued on June 27, 2005. The applicant's passport, New York identification card, and employment authorization card are evidence of the applicant's identity, but do not demonstrate that he entered before January 1, 1982 and resided in the United States for the requisite period. Some of the evidence submitted indicates that the applicant resided in the United States after May 4, 1988 and is not probative of residence before that date. The following evidence relates both to the requisite period and to subsequent years:

A letter on Islamic Council of America Inc. Madina Masjid letterhead dated June 3, 2006 and signed by [REDACTED]. The declarant states that he knew the applicant while the declarant was "Imam of Madina Masjid from 1982 – 1986." The declarant also states that he used to see the applicant at the "Friday Jum'aa prayer and other Islamic holidays." Although the letter was written on Islamic Council of America Inc. Madina Masjid letterhead, the letter is not notarized. Furthermore, the letter fails to conform with regulatory guidelines in that it does not state the address where the applicant resided during the membership period, establish how the author knows the applicant, or state the origin of the information provided. See 8 C.F.R. § 245a.2(d)(3)(v). The AAO notes further that this affiliation was not included in the applicant's Form I-687 at part #31. Given these deficiencies, the letter has minimal probative value in supporting the applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period.

A notarized letter from Brooklyn Broadway Jame Masjid & Islamic Center Inc. dated March 14, 2006 and signed by [REDACTED], Secretary of Trustee Board. The declarant states that on February 1, 2006, the applicant took an "oath to become a full-time Imam and to preach [sic] our children on Islam." The declarant adds that the applicant's "understanding of Islam is outstanding." The letter includes a current residence for the applicant at [REDACTED], Brooklyn, New York. This letter does not provide information regarding the applicant's entry into the United States or residence in the United States during the requisite period. Given these deficiencies, this

¹ The AAO notes that the applicant's letter dated March 19, 2005 states that he traveled to Bangladesh in December 1986.

letter has no probative value in supporting the applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period.

- A notarized letter from [REDACTED] dated March 15, 2006. The declarant states that he lives in New York, New York and that the applicant “resided with [the declarant] at [REDACTED], New York, New York” from “August 1981 to May 1984.” Although the declarant states that the applicant lived with him from August 1981 to May 1984, the statement does not supply enough details to lend credibility to a 25-year relationship with the applicant. The declarant does not indicate under what circumstances he met the applicant in 1981, how he dates the time period during which the applicant lived with him, or how frequently he had contact with the applicant. Given these deficiencies, this statement has minimal probative value in supporting the applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period.
- A notarized “Affidavit of Residence” from [REDACTED] dated January 6, 2005. The declarant states that he lives in Brooklyn, New York and that the applicant “lived with [the declarant] at [REDACTED], Brooklyn, New York” from “August 1981 to May 1984.” The declarant also states that “the rent receipts and household bills are in [his] name” and that the applicant contributed towards “the payment of the rent and household bills.” In her notice of intent to deny, the director noted that both [REDACTED] and the declarant claimed that the applicant lived with them at two different addresses from August 1981 to May 1984. The director also stated that the address in this affidavit was not included in the applicant’s Form I-687. In his response to the notice of intent to deny, the applicant stated that because he is a religion teacher everyone respects him and treats him like a family member and therefore, he “stayed in both place[s] at the same time.” The applicant explained that after teaching he would spend the night at the address closest to the where he was teaching that day. However, the applicant does not explain why the second address was not included in the Form I-687 and simply states that it was “unfortunate” that the address in Brooklyn, New York was not included in the Form I-687. Further, although the declarant states that the applicant lived with him from August 1981 to May 1984, the statement does not supply enough details to lend credibility to a 24-year relationship with the applicant. The declarant does not indicate under what circumstances he met the applicant in 1981, how he dates the time period during which the applicant lived with him, or how frequently he had contact with the applicant. Given these deficiencies, this statement has minimal probative value in supporting the applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period.

- A notarized “Affidavit of Residence” from Idris Miah dated March 4, 2005. The declarant states that he lives in Brooklyn, New York and that the applicant “lived with [the declarant] at [REDACTED], Brooklyn, New York” from “March 2005 to present.” The declarant also states that “the rent receipts and household bills are in [his] name” and that the applicant contributed towards “the payment of the rent and household bills.” This affidavit does not provide information regarding the applicant’s entry into the United States or residence in the United States during the requisite period. Given these deficiencies, this affidavit has no probative value in supporting the applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period.
- A notarized “Affidavit of Residence” from [REDACTED] dated March 15, 2005. The declarant states that he lives in Brooklyn, New York and that the applicant “lived with [the declarant] at [REDACTED], Brooklyn, New York” from “June 1995 to February 2002.” The declarant also states that “the rent receipts and household bills are in [his] name” and that the applicant contributed towards “the payment of the rent and household bills.” This affidavit does not provide information regarding the applicant’s entry into the United States or residence in the United States during the requisite period. Given these deficiencies, this affidavit has no probative value in supporting the applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period.
- A notarized “Affidavit of Residence” from [REDACTED] dated February 2, 2005. The declarant states that he lives in Brooklyn, New York and that the applicant “lived with [the declarant] at [REDACTED], Brooklyn, New York” from “February 1989 to May 1995.” The declarant also states that “the rent receipts and household bills are in [his] name” and that the applicant contributed towards “the payment of the rent and household bills.” This affidavit does not provide information regarding the applicant’s entry into the United States or residence in the United States during the requisite period. Given these deficiencies, this affidavit has no probative value in supporting the applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period.
- A notarized “Affidavit of Residence” from [REDACTED] dated January 12, 2005. The declarant states that he lives in Brooklyn, New York and that the applicant “lived with [the declarant] at [REDACTED], Brooklyn, New York” from “June 1984 to January 1989.” The declarant also states that “the rent receipts and household bills are in [his] name” and that the applicant contributed towards “the payment of the rent and household bills.” Although the declarant states that the applicant lived with him from June 1984 to January 1989, the statement does not supply enough details to lend credibility to a 21-year relationship with the applicant. The declarant does not indicate under what circumstances he met the applicant in 1984, how he dates the time period during which the applicant lived with him, or how frequently he had contact with the

applicant. Given these deficiencies, this statement has minimal probative value in supporting the applicant's claims that he resided in the United States for the entire requisite period.

- A notarized form-letter from [REDACTED] dated February 15, 2005. The declarant states that he lives in New York, New York and that he has been acquainted with the applicant in the United States. The declarant states that he has personal knowledge that the applicant resided in New York, New York from July 1988 to the present. The declarant adds that 6 months is “the longest period during the residence in which [the declarant] has not seen the applicant.” This affidavit does not provide information regarding the applicant’s entry into the United States or residence in the United States during the requisite period. Given these deficiencies, this affidavit has no probative value in supporting the applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period.
- A notarized form-letter “Affidavit of Witness” from [REDACTED] dated January 6, 2005. The declarant states that he lives in Brooklyn, New York and that he has been acquainted with the applicant in the United States. The declarant states that he has personal knowledge that the applicant resided in Brooklyn, New York from November 1981 to the present. The declarant also states that he is “able to determine the beginning of his acquaintance with the applicant in the United States” due to their “friendship.” The declarant adds that 3 years is “the longest period during the residence in which [the declarant] has not seen the applicant.” Although the declarant states that he has known the applicant since 1981, the statement does not supply enough details to lend credibility to a 24-year relationship with the applicant. The declarant does not indicate under what circumstances he met the applicant in 1981, how he dates his initial acquaintance with the applicant, or how frequently he had contact with the applicant. Given these deficiencies, this affidavit has minimal probative value in supporting the applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period.
- A notarized form-letter from [REDACTED] dated February 11, 2005. The declarant states that he lives in New York, New York and that he has been acquainted with the applicant in the United States. The declarant states that he has personal knowledge that the applicant resided in Brooklyn, New York from October 1981 to the present. The declarant also states that he is “able to determine the beginning of his acquaintance with the applicant in the United States” due to their “friendship.” The declarant adds that 1 year is “the longest period during the residence in which [the declarant] has not seen the applicant.” Although the declarant states that he has known the applicant since 1981, the statement does not supply enough details to lend credibility to a 24-year relationship with the applicant. The declarant does not indicate under what circumstances he met the applicant in 1981, how he dates his initial acquaintance with the applicant, or how frequently he had contact with the applicant. Given these deficiencies, this affidavit has

minimal probative value in supporting the applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period.

- A notarized form-letter from [REDACTED] dated February 23, 2005. The declarant states that he lives in New York, New York and that he has been acquainted with the applicant in the United States. The declarant states that he has personal knowledge that the applicant resided in New York, New York from June 1986 to the present. The declarant also states that he is “able to determine the beginning of his acquaintance with the applicant in the United States” due to their “friendship.” The declarant adds that 8 months is “the longest period during the residence in which [the declarant] has not seen the applicant.” Although the declarant states that he has known the applicant since 1986, the statement does not supply enough details to lend credibility to a 19-year relationship with the applicant. The declarant does not indicate under what circumstances he met the applicant in 1986, how he dates his initial acquaintance with the applicant, or how frequently he had contact with the applicant. Given these deficiencies, this affidavit has minimal probative value in supporting the applicant's claims that he resided in the United States for the entire requisite period.

A notarized form-letter from [REDACTED] dated January 28, 2005. The declarant states that he lives in Brooklyn, New York and that he has been acquainted with the applicant in the United States. The declarant states that he has personal knowledge that the applicant resided in Brooklyn, New York from July 1989 to the present. This statement conflicts with information in the applicant’s Form I-687 where the applicant indicated that he lived in the Bronx from March 2002 to February 2005. The declarant also states that he is “able to determine the beginning of his acquaintance with the applicant in the United States” due to their “friendship.” The declarant adds that 5 months is “the longest period during the residence in which [the declarant] has not seen the applicant.” This affidavit does not provide information regarding the applicant’s entry into the United States or residence in the United States during the requisite period. Given these deficiencies, this affidavit has no probative value in supporting the applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period.

- A notarized form-letter from [REDACTED] dated February 18, 2005. The declarant states that he lives in Brooklyn, New York and that he has been acquainted with the applicant in the United States. The declarant states that he has personal knowledge that the applicant resided in Brooklyn, New York from February 1984 to the present. This statement conflicts with information in the applicant’s Form I-687 where the applicant indicated that he first moved to Brooklyn in June 1984 and lived in the Bronx from March 2002 to February 2005. The declarant also states that he is “able to determine the beginning of his acquaintance with the applicant in the United States” due to their “friendship.” The declarant adds that 1 year and 6 months is “the longest period during the residence in which [the declarant] has not seen the applicant.” Although the declarant states that he has known the applicant since 1984, the statement does not supply enough

details to lend credibility to a 21-year relationship with the applicant. The declarant does not indicate under what circumstances he met the applicant in 1984, how he dates his initial acquaintance with the applicant, or how frequently he had contact with the applicant. Given these deficiencies, this affidavit has minimal probative value in supporting the applicant's claims that he resided in the United States for the entire requisite period.

- A notarized form-letter from [REDACTED] dated January 6, 2005. The declarant states that he lives in Brooklyn, New York and that he has been acquainted with the applicant in the United States. The declarant states that he has personal knowledge that the applicant resided in Brooklyn, New York from February 1982 to the present. This statement conflicts with information in the applicant's Form I-687 where the applicant indicated that he first moved to Brooklyn in June 1984 and lived in the Bronx from March 2002 to February 2005. The declarant also states that he is "able to determine the beginning of his acquaintance with the applicant in the United States" due to their "friendship." The declarant adds that 2 years and 8 months is "the longest period during the residence in which [the declarant] has not seen the applicant." Although the declarant states that he has known the applicant since 1982, the statement does not supply enough details to lend credibility to a 23-year relationship with the applicant. The declarant does not indicate under what circumstances he met the applicant in 1982, how he dates his initial acquaintance with the applicant, or how frequently he had contact with the applicant. Given these deficiencies, this affidavit has minimal probative value in supporting the applicant's claims that he resided in the United States for the entire requisite period.
- A notarized form-letter from [REDACTED] dated March 15, 2005. The declarant states that he lives in Brooklyn, New York and that he has been acquainted with the applicant in the United States. The declarant states that he has personal knowledge that the applicant resided in Brooklyn, New York from April 1995 to the present. This statement conflicts with information in the applicant's Form I-687 where the applicant indicated that he lived in the Bronx from March 2002 to February 2005. The declarant also states that he is "able to determine the beginning of his acquaintance with the applicant in the United States" due to their "friendship." The declarant adds that 4 months is "the longest period during the residence in which [the declarant] has not seen the applicant." This affidavit does not provide information regarding the applicant's entry into the United States or residence in the United States during the requisite period. Given these deficiencies, this affidavit has no probative value in supporting the applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period.
- A notarized form-letter "Affidavit of Witness" from [REDACTED] dated February 4, 2005. The declarant states that he lives in Brooklyn, New York and that he has been acquainted with the applicant in the United States. The declarant states that he has personal knowledge that the applicant resided in Brooklyn, New York from May

1986 to the present. This statement conflicts with information in the applicant's Form I-687 where the applicant indicated that he lived in the Bronx from March 2002 to February 2005. The declarant also states that he is "able to determine the beginning of his acquaintance with the applicant in the United States" due to their "friendship." The declarant adds that 3 months is "the longest period during the residence in which [the declarant] has not seen the applicant." Although the declarant states that he has known the applicant since 1986, the statement does not supply enough details to lend credibility to a 22-year relationship with the applicant. The declarant does not indicate under what circumstances he met the applicant in 1986, how he dates his initial acquaintance with the applicant, or how frequently he had contact with the applicant. Given these deficiencies, this affidavit has minimal probative value in supporting the applicant's claims that he resided in the United States for the entire requisite period.

- A notarized form-letter "Affidavit of Witness" from [REDACTED] dated February 24, 2005. The declarant states that he lives in New York, New York and that he has been acquainted with the applicant in the United States. The declarant states that he has personal knowledge that the applicant resided in Brooklyn, New York from March 1982 to the present. This statement conflicts with information in the applicant's Form I-687 where the applicant indicated that he first moved to Brooklyn in June 1984 and lived in the Bronx from March 2002 to February 2005. The declarant also states that he is "able to determine the beginning of his acquaintance with the applicant in the United States" due to their "friendship." The declarant adds that 2 years and 8 months is "the longest period during the residence in which [the declarant] has not seen the applicant." Although the declarant states that he has known the applicant since 1982, the statement does not supply enough details to lend credibility to a 23-year relationship with the applicant. The declarant does not indicate under what circumstances he met the applicant in 1982, how he dates his initial acquaintance with the applicant, or how frequently he had contact with the applicant. Given these deficiencies, this affidavit has minimal probative value in supporting the applicant's claims that he resided in the United States for the entire requisite period.
- A notarized form-letter "Affidavit of Witness" from [REDACTED] dated February 2, 2005. The declarant states that he lives in White Plains, New York and that he has been acquainted with the applicant in the United States. The declarant states that he has personal knowledge that the applicant resided in Brooklyn, New York from May 1984 to the present. This statement conflicts with information in the applicant's Form I-687 where the applicant indicated that he first moved to Brooklyn in June 1984 and lived in the Bronx from March 2002 to February 2005. The declarant also states that he is "able to determine the beginning of his acquaintance with the applicant in the United States" due to their "friendship." Although the declarant states that he has known the applicant since 1984, the statement does not supply enough details to lend credibility to a 21-year relationship with the applicant. The declarant does not indicate under what circumstances he met the applicant in 1984, how he dates his initial acquaintance with the

applicant, or how frequently he had contact with the applicant. Given these deficiencies, this affidavit has minimal probative value in supporting the applicant's claims that he resided in the United States for the entire requisite period.

- A notarized form-letter “Affidavit of Witness” from [REDACTED] dated February 1, 2005. The declarant states that he lives in Brooklyn, New York and that he has been acquainted with the applicant in the United States. The declarant states that he has personal knowledge that the applicant resided in Brooklyn, New York from June 1992 to the present. This statement conflicts with information in the applicant’s Form I-687 where the applicant indicated that he lived in the Bronx from March 2002 to February 2005. The declarant also states that he is “able to determine the beginning of his acquaintance with the applicant in the United States” due to their “friendship.” The declarant adds that 7 months is “the longest period during the residence in which [the declarant] has not seen the applicant.” This affidavit does not provide information regarding the applicant’s entry into the United States or residence in the United States during the requisite period. Given these deficiencies, this affidavit has no probative value in supporting the applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period.
- A notarized form-letter “Affidavit of Income” from [REDACTED] dated February 24, 2005. The declarant states that he lives in Brooklyn, New York. The declarant states that “the applicant is an Islamic priest and teaches [his] children about Muslim custom[s] and other religious education and reading the Holy Quran.” The declarant also states that the applicant taught his children 2 days a week for 3 hours from 1998 to the present. The declarant adds that he pays the applicant \$75 as an honorarium. This affidavit does not provide information regarding the applicant’s entry into the United States or residence in the United States during the requisite period. Furthermore, the declarant does not provide details regarding where the applicant taught the children or the ages of the children at the time. Given these deficiencies, this affidavit has no probative value in supporting the applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period.
- A notarized form-letter “Affidavit of Income” from [REDACTED] dated February 28, 2005. The declarant states that he lives in Brooklyn, New York. The declarant states that “the applicant is an Islamic priest and teaches [his] children about Muslim custom[s] and other religious education and reading the Holy Quran.” The declarant also states that the applicant taught his children 2 days a week for 3 hours from 1999 to the present. The declarant adds that he pays the applicant \$80 as an honorarium. This affidavit does not provide information regarding the applicant’s entry into the United States or residence in the United States during the requisite period. Furthermore, the declarant does not provide details regarding where the applicant taught the children or the ages of the children at the time. Given these deficiencies, this affidavit has no probative value in supporting the

applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period.

- A notarized form-letter “Affidavit of Income” from [REDACTED] dated February 17, 2005. The declarant states that he lives in Brooklyn, New York. The declarant states that “the applicant is an Islamic priest and teaches [his] children about Muslim custom[s] and other religious education and reading the Holy Quran.” The declarant also states that the applicant taught his children 2 days a week for 3 hours from 1995 to 1998. The declarant adds that he pays the applicant \$65 as an honorarium. This affidavit does not provide information regarding the applicant’s entry into the United States or residence in the United States during the requisite period. Furthermore, the declarant does not provide details regarding where the applicant taught the children or the ages of the children at the time. Given these deficiencies, this affidavit has no probative value in supporting the applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period.
- A notarized form-letter “Affidavit of Income” from [REDACTED] dated February 9, 2005. The declarant states that he lives in Brooklyn, New York. The declarant states that “the applicant is an Islamic priest and teaches [his] children about Muslim custom[s] and other religious education and reading the Holy Quran.” The declarant also states that the applicant taught his children 2 days a week for 4 hours from 1991 to 1998. The declarant adds that he pays the applicant \$65 as an honorarium. This affidavit does not provide information regarding the applicant’s entry into the United States or residence in the United States during the requisite period. Furthermore, the declarant does not provide details regarding where the applicant taught the children or the ages of the children at the time. Given these deficiencies, this affidavit has no probative value in supporting the applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period.
- A notarized form-letter “Affidavit of Income” from [REDACTED] dated February 25, 2005. The declarant states that he lives in Brooklyn, New York. The declarant states that “the applicant is an Islamic priest and teaches [his] children about Muslim custom[s] and other religious education and reading the Holy Quran.” The declarant also states that the applicant taught his children 2 days a week for 3 hours from 1984 to 1985. The declarant adds that he pays the applicant \$45 as an honorarium. Although the declarant states that the applicant taught his children from 1984 to 1985, the statement does not indicate how he became acquainted with the applicant or how he dates the period of time during which the applicant taught his children. Furthermore, the declarant does not provide details regarding where the applicant taught the children or the ages of the children at the time. Given these deficiencies, this affidavit has minimal probative value in supporting the applicant's claims that he resided in the United States for the entire requisite period.

- A notarized form-letter “Affidavit of Income” from _____ dated February 10, 2005. The declarant states that he lives in Brooklyn, New York. The declarant states that “the applicant is an Islamic priest and teaches [his] children about Muslim custom[s] and other religious education and reading the Holy Quran.” The declarant also states that the applicant taught his children 2 days a week for 3 hours from 1984 to 1985. The declarant adds that he pays the applicant \$45 as an honorarium. Although the declarant states that the applicant taught his children from 1984 to 1985, the statement does not indicate how he became acquainted with the applicant or how he dates the period of time during which the applicant taught his children. Furthermore, the declarant does not provide details regarding the mosque, classes, the number of students, or the ages of the children. Given these deficiencies, this affidavit has minimal probative value in supporting the applicant's claims that he resided in the United States for the entire requisite period.
- A notarized form-letter “Affidavit of Income” from _____ dated March 2, 2005. The declarant states that he lives in Brooklyn, New York. The declarant states that “the applicant is an Islamic priest and teaches [his] children about Muslim custom[s] and other religious education and reading the Holy Quran.” The declarant also states that the applicant taught his children 2 days a week for 3 hours from 1981 to 1986. The declarant adds that he pays the applicant \$50 as an honorarium. Although the declarant states that the applicant taught his children from 1981 to 1986, the statement does not indicate how he became acquainted with the applicant or how he dates the period of time during which the applicant taught his children. Furthermore, the declarant does not provide details regarding where the applicant taught the children or the ages of the children at the time. Given these deficiencies, this affidavit has minimal probative value in supporting the applicant's claims that he resided in the United States for the entire requisite period.

The remaining evidence in the record is comprised of the applicant’s statements and application forms, in which he claims to have entered the United States in August 1981 without inspection. The applicant has not submitted any additional evidence in support of his claim that he was physically present or had continuous residence in the United States during the entire requisite period or that he entered the United States in 1981. Simply going on record without supporting documentary evidence is not sufficient for the purpose of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)). As noted above, to meet his burden of proof, the applicant must provide evidence of eligibility apart from his own testimony. In this case, his assertions regarding his entry are not supported by any credible evidence in the record.

The director issued a notice of intent to deny (NOID) on March 17, 2006. The director denied the application for temporary residence on July 28, 2006. In denying the application, the director found that the applicant failed to establish that he entered the United States prior to January 1, 1982 or that he met the necessary residency or continuous physical presence requirements. Thus, the director determined that the applicant failed to meet his burden of proof by a preponderance of the evidence.

On appeal, the applicant stated that he is entitled to temporary residency and submitted a letter from the Islamic Council of America Inc. Madina Masjid stating that the declarant knew that applicant while the declarant was an "Imam of Madina Masjid from 1982 – 1986." As discussed above, the letter has minimal probative value in supporting the applicant's claims that he entered the United States in 1981 and resided in the United States for the entire requisite period. In his statement, the applicant argued that it is impossible to submit documents as proof of an entry without inspection from Mexico. However, the March 17, 2006 interview notes state that the applicant indicated that he entered Mexico legally. Although the applicant may not be able to submit evidence of his entry into the United States, evidence of his legal entry into Mexico on or about the time that the applicant claims to have entered the United States would support his claim. While it may be difficult to procure evidence after more than twenty years, upon a *de novo* review of all of the evidence in the record, the AAO agrees with the director that the evidence submitted by the applicant has not established that he is eligible for the benefit sought.

In this case, the absence of sufficient credible and probative documentation to corroborate the applicant's claim of continuous residence for the requisite period seriously detracts 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 lack of credible supporting documentation, it is concluded that the applicant 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.