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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. A3042  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

[Redacted]

FILE: [Redacted] Office: Baltimore

Date: [Redacted]

IN RE: Applicant: [Redacted]

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

ON BEHALF OF APPLICANT:

[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, Director  
Administrative Appeals Office

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Baltimore, Maryland, 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 not demonstrated that he had continuously resided in the United States in an unlawful status from before January 1, 1982 through May 4, 1988.

On appeal, counsel asserts that the applicant has submitted sufficient evidence to support his claim of continuous residence in this country since prior to January 1, 1982.

An applicant for permanent resident status must establish entry into the United States before January 1, 1982 and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. 8 C.F.R. § 245a.11(b).

An applicant for permanent resident status under section 1104 of the LIFE Act has the burden to establish by a *preponderance of the evidence* that he or she has resided in the United States for the requisite periods, is admissible to the United States and is otherwise eligible for adjustment of status under this section. 8 C.F.R. § 245a.12(e). When something is to be established by a preponderance of evidence it is sufficient that the proof only establish that it is probably true. *See Matter of E-- M--*, 20 I. & N. Dec. 77 (Comm. 1989).

The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. 8 C.F.R. § 245a.12(e).

Although the regulations provide an illustrative list of contemporaneous documents that an applicant may submit, the list also permits the submission of affidavits and any other relevant document. *See* 8 C.F.R. § 245a.2(d)(3)(vi)(L).

The applicant is a class member in a legalization class-action lawsuit and as such, was permitted to previously file a Form I-687, Application for Temporary Resident Status Pursuant to Section 245A of the Immigration and Nationality Act (INA) on or about November 7, 1991. On the Form I-687 application, the applicant indicated that he first entered and began residing in this country in October 1981. At part #33 of the Form I-687 application where applicants were asked to list all residences on the United States from the date of their first entry, the applicant listed the following addresses:

- [REDACTED] from October 1981 to July 1985;
- [REDACTED] from August 1985 to December 1987; and,
- [REDACTED] from January to November 7, 1991, the date the Form I-687 application was submitted.

In an attempt to establish continuous unlawful residence since before January 1, 1982, as claimed, the applicant furnished the following evidence:

- An affidavit signed by [REDACTED] who provided his address as [REDACTED] and stated that he and the applicant resided together at this address from October 1981 to July 1985;
- An affidavit signed by [REDACTED] who provided his address as [REDACTED] and stated that he and the applicant resided together at this address from August 1985 to December 1987;
- An affidavit signed by [REDACTED] who provided his address as [REDACTED] and stated that he and the applicant resided together at this address from January 1988 to June 6, 1991, the date the document was executed
- An affidavit of employment signed by an individual whose first name is illegible and whose last name is [REDACTED] president of Dody Grocery at [REDACTED] who stated that the applicant was employed by this enterprise as a stock boy from February 1983 to August 15, 1987;
- An affidavit of employment containing the letterhead and telephone number of the Paris Contracting Corp., at [REDACTED] and the illegible signature of an individual representing himself as the president of this enterprise. This individual stated that the applicant had been employed as a mason by the Paris Contracting Corp., from January 1988 to December 1990;
- A letter dated May 6, 1991, containing the letterhead and telephone number of Travel Link International Inc., at [REDACTED] and the illegible signature of an individual representing himself as the sales manager president of this enterprise. This individual indicated that the applicant had been issued an airline ticket on August 22, 1987 for an August 23, 1987 flight from New York to Karachi, Pakistan with a connecting flight to Lahore, Pakistan. This individual also provided the airline ticket number and flight number corresponding to the applicant's trip; and,
- A photocopy of the American Airlines ticket issued to the applicant August 22, 1987 and referenced in the prior paragraph.

The record shows that the applicant subsequently filed his LIFE Act application on July 29, 2002. In response to the notice of intent to deny issued on January 6, 2003, counsel submitted the following original document:

- A letter dated January 30, 2003, containing the letterhead and telephone number of the Muslim Community Center of Brooklyn, Inc., at [REDACTED] that is signed by [REDACTED] general secretary of this institution. [REDACTED] stated that the applicant participated in Friday prayers at the Center from 1982 to 1993.

However, neither counsel nor the applicant made any attempt to explain *why*, if the applicant truly worshiped at this center for eleven years in the period from 1982 to 1993 as now claimed, he did not previously obtain evidence of such and submit this evidence with either his Form I-687 application or his LIFE Act application. Applicants were instructed to provide qualifying evidence *with* their applications and the applicant did include other supporting documentation with both the Form I-687 application and the LIFE Act application. These factors raise serious questions regarding the authenticity and credibility of this supporting document. Given these circumstances, it is concluded that the document provided in rebuttal to the notice of intent to deny is of questionable probative value.

As noted above, on the Form I-687 application, the applicant claimed to have entered the United States in October 1981, and to have resided at three separate addresses in Brooklyn, New York from this date through to November 7, 1991. However, a review of the record reveals that the applicant previously submitted a Form I-589, Request for Asylum, to the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) on August 14, 1994. At part #12 of the Form I-589 asylum application where applicants were asked to list the date and place of their arrival in the United States, the applicant specified that he entered the United States at New York on September 7, 1987. Additionally, at part #26 of the Form I-589 asylum application where applicants were asked to list the date of their departure from their country of origin, the applicant listed September 6, 1987. Moreover, on the Form 325A, Report of Biographic, that was included with the Form I-589 asylum application, the applicant specified that he resided in his native Pakistan from his birth on January 1, 1959 up until September 1987. In addition, his testimony under oath before an immigration judge describes events in Pakistan in 1981, 1983 and 1985 that led to his applying for asylum. The fact that the applicant himself acknowledged that he resided in Pakistan from his birth through September 1987 completely undermines the credibility of his claim to have resided in the United States from prior to January 1, 1982 to May 4, 1988. Information connected to his claim for asylum contradicts testimony contained within documentation that he has provided to support his claim of residence in this country for the requisite period. This contradictory information negates the probative value of any supporting documentation he has provided in these current proceedings that attests to his residence in this country prior to September 1987.

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).

Given the absolute minimal amount of contemporaneous documentation pertaining to this applicant, outright and direct contradictions and conflicts in testimony, reliance upon supporting documentation with minimal probative value, and the applicant's admission that he resided in his native Pakistan until September 1987, 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.

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