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U.S. Citizenship
and Immigration
Services



FILE: [Redacted] Office: Baltimore

Date: 0101 8 11

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:



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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 since before January 1, 1982 through May 4, 1988.

On appeal, the counsel asserts that the applicant has submitted sufficient documentation establishing continuous residence in the U.S. from prior to January 1, 1982 through May 4, 1988.

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. 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).

When something is to be established by a preponderance of the evidence it is sufficient that the proof establish that it is probably true. *See Matter of E-- M--*, 20 I. & N. Dec. 77 (Comm. 1989).

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 March 10, 1992. 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 September 1981 to January 1984;
- [REDACTED] from February 1984 to November 1987; and,
- [REDACTED] from January 1988 to March 6, 1992, the date the Form I-687 application was executed

In addition, at part #35 of the Form I-687 application where applicants were asked to list all absences from the United States beginning from January 1, 1982, the applicant listed only one absence from this country when he traveled to Pakistan for a family visit from December 1987 to January 1988.

With the Form I-687 application, the applicant included the following documents in support of his claim of continuous residence in the United States since prior to January 1, 1982:

- An affidavit of residence signed by [REDACTED] who provided his address, [REDACTED], and telephone number and stated that the applicant resided with him at this address from September 1981 to January 1984;
- An undated employment letter that is signed by Peter Samuel, owner of Moon Construction Company in the Bronx, New York, who stated that he employed the applicant as a construction worker at this enterprise from November 1981 to September 1986;
- An affidavit of residence signed by [REDACTED] who provided his address, [REDACTED] and telephone number and declared that the applicant lived with him at this address from February 1984 to November 1987;
- An undated employment letter that is signed by [REDACTED] owner of Jersey Trading Co., in Jersey City, New Jersey, who stated that he employed the applicant at this enterprise from October 1986 to November 1987;
- An affidavit of residence signed by [REDACTED] who provided his address, [REDACTED] and telephone number and stated that the applicant resided with him at this address from January 1988 through the present;
- An undated employment letter that is signed by [REDACTED] owner of Al-Huseini Logistics Support Group, Inc., in Arlington, Virginia, who stated that he employed the applicant as a stock keeper at this enterprise since from February 1988.

Subsequently, on June 11, 2002, the applicant filed his LIFE Act application. On an attachment to the Form G-325A, Record of Biographic Information, which accompanied his LIFE Act application, the applicant again listed the same three addresses cited above as residences in the United States from September 1981 through February 1993. However, on the Form G-325A itself, the applicant indicated that he had been married to his wife in Lalamusa, Pakistan on May 5, 1986. The fact that the applicant acknowledged that he was absent from the country when he was married in Pakistan on May 6, 1986, directly contradicted his prior claim that his single absence from this country occurred when he visited his family in Pakistan from December 1987 to January 1988. Neither the applicant nor counsel advanced any explanation as to how the applicant was married in Pakistan in 1986, while claiming that his sole absence from the United States occurred from December 1987 to January 1988.

Additionally, the applicant provided photocopies of the supporting documentation listed above, as well as the following new documents in support of his claim of continuous residence in this country in the requisite period from prior to January 1, 1982 to May 4, 1988:

- An affidavit signed by [REDACTED] who provided his address and indicated that he had personal knowledge that the applicant resided in the United States since 1986 because the applicant

was a close family friend who had been invited to his home many times and with whom he had many conversations;

- An affidavit signed by [REDACTED] who provided his address and indicated that he had personal knowledge that the applicant resided in the United States since 1985 because the applicant was a close family friend who had been invited to his home many times and with whom he had many conversations;
- An affidavit signed by [REDACTED], who provided his address and indicated that he had personal knowledge that the applicant resided in the United States since 1985 because the applicant was a close family friend who had been invited to his home many times and with whom he had many conversations; and,
- An affidavit signed by [REDACTED], who provided his address and indicated that the applicant worked as a pizza maker under his supervision at Circuse Restaurant in New York, New York from 1981 through 1982.

In response to the subsequent notice of intent to deny, the applicant submitted the following new documents in support of his claim of continuous residence in the United States during the required period:

- An affidavit signed by [REDACTED] who provided his address and indicated that he had personal knowledge that the applicant resided in the United States since December 25, 1985 because the applicant had visited his home in Chicago, Illinois on this date, and then again on July 4, 1988;
- An affidavit signed by [REDACTED] who provided his address and indicated that he had invited the applicant to a celebration of the anniversary of his marriage on December 5, 1987 at the Punjab restaurant in the Coney Island section of Brooklyn, New York;
- A photocopy of a Form I-693, Report of Medical Examination, dated September 18, 1987 that listed the applicant's address as [REDACTED] and is signed by the applicant and the examining Civil Surgeon;
- A photocopy of an unsigned letter dated August 14, 1987 from New York Life regarding the applicant's unsuccessful attempt to obtain insurance of an unspecified type and listed his address as [REDACTED] and,
- A photocopy of the applicant's account statement from the American Savings Bank branch office at [REDACTED] that is dated December 11, 1987 and listed his address as [REDACTED]

The Form I-693 medical report, the letter from New York Life, and the bank account statement noted above all list the applicant's address of residence as [REDACTED]. It must be noted that the applicant never listed this specific address as one of his addresses of residence in this country for any period of time in any document that he submitted since the initiation of the current proceedings on March 10, 1992. Neither the applicant nor counsel provided an explanation for this

discrepancy. In addition, neither counsel nor the applicant made any attempt to explain *why*, if the applicant truly had these documents relating to his purported residence in this country since at least the second half of 1987, he did not submit such documents 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 these supporting documents, as well as the applicant's claim of residence in this country. Given these circumstances, it is concluded that documents provided by the applicant in rebuttal to the notice of intent to deny are of questionable probative value.

As previously discussed, the applicant listed [REDACTED] as his address of residence from September 1981 to January 1984, and [REDACTED] as his address of residence from February 1984 to November 1987 on the Form I-687 application and an attachment to the Form G-325 that was included with his subsequent LIFE Act application. The applicant submitted affidavits of residence for each of these respective addresses and corresponding periods of residence from [REDACTED]. Furthermore, [REDACTED] stated that he still resided at [REDACTED] in his affidavit, while [REDACTED] declared he still resided at [REDACTED] in his affidavit. However, a search conducted on the United States Postal Service's internet site at www.usps.com utilizing the ZIP Code Finder function reveals that the ZIP Codes [REDACTED] could not be found in the database. When each of the respective addresses was entered into the Zip Code Finder the search results were returned as "The address was not found." Additionally, a search conducted for both addresses at the internet site www.mapquest.com produced a result of "cannot find" for [REDACTED]. Furthermore a review of the Rand McNally Road Atlas for the United States, Canada, and Mexico for 2004, 76 (Rand McNally and Co., 2004), reveals that Queens Boulevard is a road that does enter Kings County, New York (informally and commonly referred to as Brooklyn, New York), but rather runs entirely in Queens County, New York from its western terminus at Queensborough Plaza at the Queensborough Bridge to an endpoint in central Queens County at Hillside Avenue. Such circumstances only serve to further undermine the applicant's claim to have continuously resided in the United States since prior to January 1, 1982.

The applicant has failed to submit any contemporaneous documentation to establish presence in the U.S. from the time he claimed to have commenced residing in the U.S. through May 4, 1988. In light of the fact that the applicant claims to have continuously resided in the U.S. since at least September 1981, this inability to produce a single piece of contemporaneous documentation to support his claim of residence raises serious questions regarding the credibility of the claim. The credibility of the applicant's claim of residence is further diminished by the discrepancies and contradictions in information provided by the applicant himself as cited above, as well as the inability to verify the existence of two addresses he claims to have resided at from September 1981 through November 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 complete absence of contemporaneous documentation pertaining to this applicant, outright and direct contradictions and conflicts in testimony, an inability to authenticate and verify critical information, and reliance upon supporting documentation with minimal probative value, it is concluded that he has failed to establish continuous residence in an unlawful status in the United States from prior to January 1, 1982 through May 4, 1988, as required.

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