



U.S. Citizenship
and Immigration
Services

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MAR 15 2007

FILE:

MSC 02 017 62398

Dear Mr. [REDACTED]

On October 17, 2001, you filed an 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 November 15, 2004, the District Director, Los Angeles, California, denied your application. You have appealed that decision, and the appeal is now before the Administrative Appeals Office (AAO).

During the adjudication of your appeal, information has come to light that seriously compromises the credibility of your claims. Based upon this information, the AAO intends to dismiss your appeal. Pursuant to Citizenship and Immigration Services (CIS) regulations at 8 C.F.R. § 103.2(b)(16)(i), we hereby notify you of this derogatory information and provide you with an opportunity to respond before we render our final decision.

In response to the director's Notice of Intent to Deny dated November 28, 2003, you submitted a December 17, 2003 letter from [REDACTED], president of [REDACTED], in which he stated that you had worked as a part-time driver for the company from 1984 to 1985. You also submitted sworn statements from your brother and various other individuals who attested that you were present and living in the United States continuously since at least 1981. However, on July 26, 2001, [REDACTED] filed a Form I-140, Immigrant Petition for Alien Worker, on your behalf seeking your services as an accountant. In conjunction with that application, a personnel action from the Ministry of Economic Affairs and Finance – Customs, Islamic Republic of Iran, was submitted. That personnel action reflects that you were hired at Customs Tehran West No. 2 – Shahryar on February 11, 1982, and promoted on May 14, 1985. Accordingly, you could not have been in the United States and working as you and those who submitted statements on your behalf have stated. The evidence indicates that you have used fraudulent documentation and made material misrepresentations in an attempt to establish your residence within the United States for the requisite period. By engaging in such an action, you have seriously undermined your own credibility as well as the credibility of your claim of continuous residence in this country for the period from prior to January 1, 1982 to May 4, 1988. Because you have submitted falsified documents, we cannot accord any of your other claims any weight.

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 visa 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, 591-92 (BIA 1988). The above derogatory information indicates that you have misrepresented the date that you first arrived in the United States and thus casts doubt on your eligibility for this visa classification.

By filing the instant application and submitting fraudulent evidence, you appear to have sought to procure a benefit provided under the LIFE Act through fraud and willful misrepresentation of a material fact. Unless you are able to provide independent and objective evidence to overcome, fully and persuasively, our above findings, the AAO will dismiss your appeal and enter a formal finding of fraud into the record. This finding of fraud will be considered in any future proceeding where admissibility is an issue. While you may choose to withdraw your appeal, this will not prevent a finding that you have sought to procure immigration benefits through fraud and willful misrepresentation of a material fact.

If you choose to contest the AAO's findings, you must offer substantial evidence from credible sources addressing, explaining, and rebutting the discrepancy described above. The regulation at 8 C.F.R. § 103.2(b)(16)(i) does not specify the amount of time afforded to an applicant or petitioner to respond to derogatory evidence. We consider fifteen (15) days to be ample time for this purpose. Therefore, you are hereby afforded 15 days from the date of this letter in which to respond to this notice. If you do not submit such evidence within the allotted 15-day period, the AAO will dismiss your appeal. If you choose to respond, please submit your response to the address shown on the first page of this letter. Also, please reference your file number, [REDACTED], in your response. We reiterate that, pursuant to *Matter of Ho, supra*, you cannot overcome the above findings simply by offering a self-written explanation.


Robert P. Wiemann, Chief
Administrative Appeals Office

cc: [REDACTED]