



U.S. Citizenship
and Immigration
Services

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FILE:

MSC 02 239 60506

Office: Houston

Date:

MAY 10 2007

IN RE:

Applicant:



APPLICATION:

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.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Houston, Texas, 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, 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. Counsel contends that any purported discrepancies in the applicant's testimony at his interview regarding the date he first entered the United States or his employment history were the result of misunderstanding and miscommunication on the applicant's part. The applicant provides copies of previously submitted documentation in support of his appeal.

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. *See* § 1104(c)(2)(B) of the LIFE Act and 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 under the provisions of section 212(a) of the Immigration and Nationality Act (Act), 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. *See* 8 C.F.R. § 245a.12(e).

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 to May 4, 1988, the submission of any other relevant document including affidavits is permitted pursuant to 8 C.F.R. § 245a.2(d)(3)(vi)(L).

8 C.F.R. § 245a.2(d)(3)(i) states that letters from employers attesting to an applicant's employment must: provide the applicant's address at the time of employment; identify the exact period of employment; show periods of layoff; state the applicant's duties; declare whether the information was taken from company records; and, identify the location of such company records and state whether such records are accessible or in the alternative state the reason why such records are unavailable.

8 C.F.R. § 245a.2(d)(3)(v) states that attestations by churches, unions, or other organizations to the applicant's residence by letter must: identify applicant by name; be signed by an official (whose title is shown); show inclusive dates of membership; state the address where applicant resided during membership period; include the seal of the organization impressed on the letter or the letterhead of the organization, if the organization has letterhead stationery; establish how the author knows the applicant; and, establish the origin of the information being attested to.

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.

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 (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 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. Here, the submitted evidence is not relevant, probative, and credible.

The applicant made a claim to class membership 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 (Act) on February 27, 1990. At part #33 of the Form I-687 application where applicants were asked to list all residences in the United States since first entry, the individual who prepared the application indicated that the applicant resided at [REDACTED] in Houston, Texas from May 1981 to October 1982, [REDACTED] in Houston, Texas from November 1982 to October 1983, [REDACTED] in Houston, Texas from November 1983 to September 1984, [REDACTED] in Humble, Texas from October 1984 to April 1985, [REDACTED] in Humble, Texas from May 1985 to May 1986, [REDACTED] in Houston, Texas from June 1986 to December 1986, [REDACTED] in Houston, Texas from January 1987 to December 1987, and [REDACTED] in Houston, Texas from January 1988 to January 1989. In addition, no information was entered at part #34 of the Form I-687 application where applicants were asked to list all affiliations or associations with clubs, organizations, churches, unions, business, etc. Further, at part #36 of the Form I-687 application where applicants were asked to list all employment in the United States since first entry, the preparer indicated that the applicant had worked for [REDACTED] as a cashier in Sugar Land, Texas from January 1981 to May 1984, [REDACTED] as a clerk in Houston, Texas from May 1984 to October 1987, and [REDACTED] as a cashier in Houston, Texas from November 1987 to September 1989.

The applicant failed to include any evidence to support his claim of continuous residence in this country since prior to January 1, 1982 with the Form I-687 application.

The record shows that the applicant filed his Form I-485 LIFE Act application with the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services or CIS) on May 27, 2002. In support of his claim of continuous residence in this country since prior to January 1, 1982, the applicant submitted an original residential lease for apartment [REDACTED] at [REDACTED] in the [REDACTED] Apartments in Houston, Texas for a thirteen-month term from May 1, 1981 to May 31, 1982 that is signed by the applicant as lessee and an individual with the first name of Julie and an illegible last name as lessor. The lease also contains a handwritten notation indicating that the lease was extended five months on a month-to-month basis through the end of October 1982. However, the handwritten notation relating to this extension is not initialed or signed by any of the purported parties to the lease. Further, no explanation was put forth as to how the applicant was in possession of the original copy of the lease as the industry standard, custom, and practice dictates that the lessor of any property retains the original lease while the lessee is provided with a copy of such lease.

The applicant provided the first page of an original four page residential lease for apartment [REDACTED] at [REDACTED] in the [REDACTED] Apartments in Houston, Texas for a twelve-month term from November 1, 1982 to October 31, 1983 that listed the applicant as lessee. However, no explanation was advanced as to how the applicant was in possession of the original copy of the lease as the industry standard, custom, and practice dictates that the lessor of a property retains the original lease while the lessee is provided with a copy of such lease. In addition, the applicant failed to put forth any explanation as to why he did not submit any of the remaining three pages of this four-page document.

The applicant provided the first page of an original four page residential lease for apartment [REDACTED] at [REDACTED] in the [REDACTED] Apartments in Houston, Texas for a seven-month term from November 1, 1983 to May 31, 1984 that listed the applicant as lessee. The lease also contains a handwritten notation indicating that the lease was extended four months on a month-to-month basis through the end of September 1984. However, the handwritten notation relating to this extension is not initialed or signed by any of the purported parties to the lease. Further, the applicant failed to advance any explanation as to why he did not submit any of the remaining three pages of this four-page document. Moreover, no explanation was put forth as to how the applicant was in possession of an original copy of the lease as the industry standard, custom, and practice dictates that the lessor of a property retains the original lease while the lessee is provided with a copy of such lease.

The applicant submitted the first page of an original multi-paged residential lease for apartment [REDACTED] at [REDACTED] in the [REDACTED] Apartments in Humble, Texas for a six-month term from October 1, 1984 to April 30, 1985 that listed the applicant as lessee. However, no explanation was advanced as to how the applicant was in possession of an original copy of the lease as the industry standard, custom, and practice dictates that the lessor of a property retains the original lease while the lessee is provided with a copy of such lease. In addition, the applicant failed to put forth any explanation as to why he did not include any of the remaining pages of this multi-paged document.

The applicant included the first page of an original multi-paged residential lease for apartment [REDACTED] at [REDACTED] in the [REDACTED] Apartments in Humble, Texas for a thirteen-month

term from April 30, 1985 to May 31, 1986 that listed the applicant as lessee. However, the applicant failed to advance any explanation as to why he did not submit any of the remaining pages of this multi-paged document. Furthermore, no explanation was put forth as to how the applicant was in possession of an original copy of the lease as the industry standard, custom, and practice dictates that the lessor of a property retains the original lease while the lessee is provided with a copy of such lease.

The applicant submitted an original residential lease for apartment [REDACTED] at [REDACTED], in the [REDACTED] Apartments in Houston, Texas for a six-month term from November 1, 1983 to May 31, 1984 that listed the applicant as lessee and contained the signature of an individual, [REDACTED], as lessor. However, the lease does not contain the signature of the applicant in his capacity as lessee. Additionally, no explanation was advanced as to how the applicant was in possession of an original copy of the lease as the industry standard, custom, and practice dictates that the lessor of a property retains the original lease while the lessee is provided with a copy of such lease.

The applicant provided the first page of an original four page residential lease for apartment # [REDACTED] at [REDACTED] in the [REDACTED] Apartments in Houston, Texas for a twelve-month term from January 1, 1987 to December 31, 1987 that listed the applicant as lessee. The lease is also initialed by the applicant and an unknown individual as the owner's representative. However, the applicant failed to advance any explanation as to why he did not submit any of the remaining three pages of this four-page document. Moreover, no explanation was put forth as to how the applicant was in possession of an original copy of the lease as the industry standard, custom, and practice dictates that the lessor of a property retains the original lease while the lessee is provided with a copy of such lease.

The applicant provided the first page of an original four page residential lease for apartment [REDACTED] at [REDACTED] in the [REDACTED] Apartments in Houston, Texas for a thirteen-month term from January 1, 1988 to January 31, 1989 that listed the applicant as lessee. The lease is also initialed by the applicant and an unknown individual as the owner's representative. However, the applicant failed to advance as to how he was in possession of an original copy of the lease as the industry standard, custom, and practice dictates that the lessor of a property retains the original lease while the lessee is provided with a copy of such lease. Further, no explanation was put forth as to why the applicant did not submit any of the remaining three pages of this four-page document.

The applicant submitted an affidavit that is signed by [REDACTED] Mr. [REDACTED] declared that he was a lay minister for the religious organization [REDACTED] in Houston, Texas and that the applicant had been a member of this organization since 1987-1988. Mr. [REDACTED] stated that the applicant had attended this religious organization on a daily basis and provided volunteer services. However, Mr. [REDACTED] failed to include the applicant's address of residence during that period that he was a member of the [REDACTED] as required under 8 C.F.R. § 245a.2(d)(3)(v). In addition, the letter does not contain either the impressed seal of the organization or in the alternative the letterhead of the organization as required by 8 C.F.R. § 245a.2(d)(3)(v). Moreover, the applicant failed to provide any explanation as to why he did not list his membership in the Ismaili Center at part #34 of the Form I-687 application where applicants were asked to list all affiliations or associations with clubs, organizations, churches, unions, business, etc.

The applicant included a letter signed by [REDACTED] who stated that he had known the applicant since 1982 and that they had subsequently become close friends on a personal and business level. Mr. [REDACTED] noted that the applicant had come to his shop and participated in barbeque picnics and other gatherings in the community. Mr. [REDACTED] declared that the applicant employed him to do occasional short-term work. However, Mr. [REDACTED] failed to provide any relevant and verifiable information relating to the applicant's residence in the United States from prior to January 1, 1982 to May 4, 1988.

The applicant provided an affidavit that is signed by [REDACTED]. Mr. [REDACTED] stated that he first met the applicant while both were looking for work in early 1982 and over the years they had become good friends. However, Mr. [REDACTED] failed to provide any specific and verifiable testimony, such as the applicant's address(es) of residence, that would tend to corroborate his claim of residence in the United States from prior to January 1, 1982 to May 4, 1988.

The applicant submitted an affidavit signed by [REDACTED] who indicated that he had personal knowledge that the applicant resided in this country since 1987. Although Mr. [REDACTED] attested to the applicant's residence in the United States from 1987 onwards, he failed to provide any testimony relating to the applicant's residence in the United States from prior to January 1, 1982 through 1987. In addition, Mr. [REDACTED]'s testimony failed to include any pertinent and verifiable information to confirm the applicant's claim of residence in this country from 1987 to May 4, 1988.

The applicant included an affidavit that is signed by [REDACTED]. Mr. [REDACTED] stated that he had known the applicant since 1985 when they both worked together at [REDACTED] in Houston, Texas. However Mr. [REDACTED] failed to attest to the applicant's residence in the United States from prior to January 1, 1982 up through 1985.

The applicant provided an affidavit signed by [REDACTED] who noted that he first met the applicant after his car battery died at a grocery store and the applicant offered to help him in 1983. Mr. [REDACTED] testified that he subsequently became good friends with the applicant and they would see each other twice a week while running errands. Even though Mr. [REDACTED] testimony tends to support the applicant's claim of residence in this country after 1983, he failed to provide any information relating to the applicant's residence in the United States from prior to January 1, 1982 up through the date he and the applicant purportedly met in 1983.

The applicant submitted an affidavit that is signed by [REDACTED]. Mr. [REDACTED] declared that he first met the applicant at a church function in 1981. Although Mr. [REDACTED] provided the applicant's addresses of residence on the date they met in 1981 and the date the affidavit was executed on February 5, 1990, he failed to provide and direct specific information to corroborate the applicant's claim of residence in this country subsequent to 1981 through to May 4, 1988.

The applicant included an affidavit signed by [REDACTED] who stated that he first met the applicant in 1983 at a library as he was returning books. Mr. [REDACTED] provided the applicant's addresses of residence as of the date they met in 1983 and the date the affidavit was executed on February 15, 1990. However, Mr. [REDACTED] did not attest to the applicant's addresses of residence in

the United States in that period after 1983 through May 4, 1988. Further, Mr. [REDACTED] failed to provide any testimony relating to the applicant's residence in this country from prior to January 1, 1982 up until the date he and the applicant purportedly met in 1983.

The applicant provided an employment letter that contains the letterhead of [REDACTED] and is signed by [REDACTED] who listed his position as manager. This individual declared that the applicant had been employed by this enterprise from November 1987 to September 1989. Although Mr. [REDACTED]'s testimony corresponds to the listing of the applicant's employment history at part #36 of the Form I-687 application, Mr. [REDACTED] did not provide any relevant information relating to the applicant's residence in the United States from prior to January 1, 1982 up to November 1987. In addition, Mr. [REDACTED] failed to provide the applicant's address of residence during that period he was employed at this enterprise, failed to state his duties of employment, and failed to declare whether such information had been taken from company records, as required by 8 C.F.R. § 245a.2(d)(3)(i).

The applicant submitted an employment letter containing the letterhead of [REDACTED], Inc., in Houston, Texas that is signed by [REDACTED] who listed his position as assistant manager. Mr. [REDACTED] stated that the applicant had been employed by this enterprise from May 1984 to October 1987. However, it must be noted that letterhead contained in this letter is not original but instead appears to be been separately photocopied onto the sheet of paper on which the letter was written. While Mr. [REDACTED]'s testimony matches the listing of the applicant's employment history at part #36 of the Form I-687 application, Mr. [REDACTED] did not provide any relevant information relating to the applicant's residence in this country in those periods from prior to January 1, 1982 up to May 1984 and after October 1987 through May 4, 1988. In addition, Mr. [REDACTED] failed to provide the applicant's address of residence during that period he was employed at this enterprise, failed to state his duties of employment, and failed to declare whether such information had been taken from company records, as required by 8 C.F.R. § 245a.2(d)(3)(i).

The applicant included an employment letter that contains the letterhead of [REDACTED] in Sugar Land, Texas and is signed by [REDACTED] who listed his position as personnel supervisor. Mr. [REDACTED] declared that the applicant had been employed by this enterprise from January 1981 to May 1984. Although Mr. [REDACTED]'s testimony corresponds to the listing of the applicant's employment history at part #36 of the Form I-687 application, Mr. [REDACTED] did not provide any relevant information relating to the applicant's residence in the United States after May 1984. In addition, Mr. [REDACTED] failed to provide the applicant's address of residence during that period he was employed at this enterprise, failed to state his duties of employment, and failed to declare whether such information had been taken from company records, as required by 8 C.F.R. § 245a.2(d)(3)(i).

The record shows that the applicant appeared for an interview relating to his Form I-485 LIFE Act application on March 3, 2003. The notes of the interviewing officer reflect that during the course of this interview, the applicant could not recall either his job duties or the name of his boss when he was employed by [REDACTED] in that period from May 1984 to October 1987. Furthermore, when the interviewing officer asked the applicant when he first came to the United States, he replied "1987" and then abruptly changed his response to "1981." The fact that the applicant's initial and spontaneous response to a question regarding the date he first arrived in this country was "1987"

tends to diminish the credibility of his claim of residence in the United States since prior to January 1, 1982.

The district director issued a notice of intent to deny dated September 10, 2003 to the applicant informing him of CIS' intent to deny his LIFE Act application because he failed to submit sufficient credible evidence of continuous unlawful residence in the United States for the period in question. The district director also noted that the applicant himself had provided conflicting testimony relating to the date he first entered this country and failed to recall the details of his employment with [REDACTED] from May 1984 to October 1987. The applicant was granted thirty days to respond to the notice.

In response, the applicant submitted a statement in which he reiterated his claim that he first entered the United States in 1981 and that he worked for "[REDACTED]". The applicant declared that he misunderstood the question asked by the interviewing officer regarding the date he first entered this country and instead provided an answer, 1987, reflecting the date he last entered the United States. The applicant indicated that he worked as a janitor while employed at [REDACTED] and his boss at this enterprise was [REDACTED]. However, the applicant failed to offer any explanation as to why [REDACTED] was not included in the listing of his employment history in this country at part #36 of the Form I-687 application.

The applicant provided an affidavit signed by [REDACTED] who testified that he and the applicant both resided at the [REDACTED] Apartments at [REDACTED] in Houston, Texas. Mr. [REDACTED] noted the applicant resided at this address from May 1, 1981 to May 31, 1982. However, Mr. [REDACTED] failed to attest to the applicant's residence in the United States from June 1, 1982 to May 4, 1988. In addition, Mr. [REDACTED] testimony that the applicant resided at this address until May 31, 1982 contradicted the applicant's testimony that he continued to reside at this address through October 1982 at part #33 of the Form I-687 application.

The applicant included a letter containing the letterhead of [REDACTED] Apartments in Houston, Texas, which is signed by [REDACTED] as well as a business card that listed Ms. [REDACTED] position as property manager. Ms. [REDACTED] stated that the applicant lived at [REDACTED] Apartments from November 1, 1982 to October 31, 1983. While Ms. [REDACTED] attested to the applicant's residence in this country from November 1, 1982 to October 31, 1983, she failed to provide any testimony regarding the applicant's residence in the United States in those periods from prior to January 1, 1982 up to November 1, 1982 and after October 31, 1983 to May 4, 1988.

The applicant submitted an affidavit that is signed by [REDACTED]. Mr. [REDACTED] declared that he first met the applicant in 1983 and that they had remained friends since such date through the present. However, Mr. [REDACTED] failed to provide any relevant and verifiable information such as the applicant's addresses of residence in the United States since 1983. In addition, Mr. [REDACTED] failed to provide any testimony relating to the applicant's residence in this country from prior to January 1, 1982 to the date they purportedly met in 1983.

The applicant provided a letter containing the letterhead of Saturn of Houston in Houston, Texas that is signed by [REDACTED]. This is the same individual who had previously submitted an affidavit in

which he attested to the applicant's residence in the United States since 1987. Mr. [REDACTED] reiterated that he had personal knowledge that the applicant resided in this country since 1987. While Mr. [REDACTED] attested to the applicant's residence in the United States from 1987 onwards, he failed to provide any testimony relating to the applicant's residence in the United States from prior to January 1, 1982 through 1987. In addition, Mr. [REDACTED] testimony failed to include any pertinent and verifiable information to confirm the applicant's claim of residence in this country from 1987 to May 4, 1988.

The applicant included an affidavit signed by [REDACTED] who stated he first met the applicant in November 1985 while the applicant was working at the [REDACTED] in League City, Texas. Mr. [REDACTED] declared that he and the applicant had remained friends since such date. However, Mr. [REDACTED] statement that the applicant was working at the [REDACTED] in League City, Texas in November 1985 conflicted with the applicant's testimony relating to his employment history as this enterprise was not included in the listing of his employers at part #36 of the Form I-687 application.

The applicant submitted a letter that is signed by [REDACTED] Mr. [REDACTED] noted that he was the proprietor of a business that refilled propane tanks and first met the applicant in 1985 while he patronized this business. Although Mr. [REDACTED] testified to the applicant's residence in this country since 1985, he failed to provide any specific and verifiable testimony, such as the applicant's address(es) of residence, to corroborate the applicant's claim of residence in the United States since such date. Furthermore, Mr. [REDACTED] failed to attest to the applicant's residence in this country from prior to January 1, 1982 to the date he and the applicant purportedly met in 1985.

The applicant provided a letter that is signed by [REDACTED] This is the same individual who had previously submitted a letter in which he attested to the applicant's residence in the United States since 1982. Mr. [REDACTED] repeated that he had known the applicant since 1982 and they subsequently become close friends on a personal and business level. Mr. [REDACTED] noted that the applicant had participated in gatherings in the community. Mr. [REDACTED] reiterated that he had been employed by the applicant to perform some short-term work on occasion. However, Mr. [REDACTED] once again failed to provide any relevant and verifiable information relating to the applicant's residence in the United States from prior to January 1, 1982 to May 4, 1988.

The district director determined that the applicant had failed to submit sufficient credible evidence demonstrating his residence in the United States in an unlawful status from January 1, 1982 through May 4, 1988, and, therefore, denied the Form I-485 LIFE Act application on October 30, 2004.

On appeal, counsel contends that the applicant had submitted sufficient evidence to support his claim of continuous residence in the United States from prior to January 1, 1982 through May 4, 1988. Counsel asserts that no attempts have been made to contact the affiants that provided supporting documentation and verify their testimony. However, the evidence submitted by the applicant relating to his residence in the United States from prior to January 1, 1982 to May 4, 1988 lacks sufficient detail, contains little verifiable information, and in at least two instances contradicts the substance of the applicant's own testimony regarding his residence in this country for the requisite period. Although counsel notes that no attempt has been made to verify the content of testimony contained in the supporting documentation, he fails to advance any compelling reason as to why any

verification attempts should be made in light of the minimal probative value of the applicant's evidence of residence.

Counsel asserts that the applicant simply made a trivial mistake at his interview in stating that he entered the United States for the first time in 1987 and that he immediately corrected his mistake by reiterating that he first entered this country in 1981. Counsel claims that the applicant was unable to recall the details of his employment at [REDACTED] because of the considerable passage of time since he had held the job and the date he provided such testimony at his interview. However, the fact that the applicant offered spontaneous testimony that he first entered this country in 1987 must be considered as significant as it directly contradicts his claim of residence in the United States for the requisite period. The applicant's inability to recall either the duties he performed or the name of his boss at [REDACTED] serves to further undermine his claim of residence because the applicant worked for this enterprise from May 1984 to October 1987, an extended length of time comprising at least three years and five months.

Doubt cast on any aspect of the evidence may lead to a reevaluation of the reliability and sufficiency of the remaining evidence. It is incumbent upon an 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. *See Matter of Ho*, 19 I&N Dec. 582 (BIA 1988).

The absence of sufficiently detailed supporting documentation and the existence of contradictory testimony seriously undermine the credibility of the applicant's claim of residence in this country for the requisite period, as well as the credibility of the documents submitted in support of such claim. Pursuant to 8 C.F.R. § 245a.12(e), the inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. The applicant has failed to submit sufficient credible documentation to meet his burden of proof in establishing that he or she has resided in the United States since prior to January 1, 1982 to May 4, 1988 by a preponderance of the evidence as required under both 8 C.F.R. § 245a.12(e) and *Matter of E- M-*, 20 I&N Dec. 77.

Given the applicant's reliance upon documents with minimal or no probative value and his own contradictory testimony, 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 under section 1104(c)(2)(B) of the LIFE Act. The applicant is, therefore, ineligible for permanent resident status under section 1104 of the LIFE Act on this basis.

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