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**U.S. Citizenship
and Immigration
Services**

L2

[Redacted]

FILE: [Redacted]
MSC 01 320 60560

Office: St. Louis

Date: NOV 13 2007

IN RE: Applicant: [Redacted]

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:

[Redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case 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, Kansas City, Missouri, 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 as required by section 1104(c)(2)(B) of the LIFE Act.

On appeal, the applicant's former counsel reiterated the applicant's claim of residence in this country for the requisite period and submitted a brief in support of the appeal.

Subsequent to the filing of the appeal, the applicant and his current counsel submitted a letter to the AAO on October 24, 2007 requesting that the appeal be withdrawn. Although this request to withdraw the appeal shall be honored, the following facts must be noted.

An applicant for permanent resident status under the LIFE Act 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. Section 1104(c)(2)(B) of the LIFE Act; 8 C.F.R. § 245a.11(b). In response to the notice of intent to deny issued on February 6, 2004, the applicant submitted a photocopied envelope as evidence of his residence within the United States prior to January 1, 1982. The envelope is postmarked July 10, 1982, was purportedly mailed to the applicant from India at the address he claimed to have resided in Ft. Lauderdale, Florida from August 1981 to August 1989, and bears Indian postage stamps. A review of the *2006 Scott Standard Postage Stamp Catalogue Volume 3* (Scott Publishing Company 2005) revealed the following regarding the Indian postage stamps affixed to the postmarked envelope:

- The envelope bears an Indian stamp with a value of fifty paise containing a portrait photograph of Mahatma Gandhi. A review of the *2006 Scott Standard Postage Stamp Catalogue* reveals that similar stamps were initially issued in two different sized versions (23mm X 29mm listed at page 804 of Volume 3 of the *2006 Scott Standard Postage Stamp Catalogue* as catalogue number 676 A410 first issued in 1976 and 17mm X 20mm listed at page 804 of Volume 3 of the *2006 Scott Standard Postage Stamp Catalogue* as catalogue number 677 A410 first issued in 1978) both of which were valued at only twenty-five paise. The fifty paise stamp depicting Mahatma Gandhi that is on the photocopied envelope submitted by the applicant in support of his claim of residence in this country for the requisite period is listed at page 810 of Volume 3 of the *2006 Scott Standard Postage Stamp Catalogue* as catalogue number 846B A410. The fifty paise stamp depicting Mahatma Gandhi was subsequently issued in 1983.
- The envelope bears an Indian postage stamp with a value of fifty paise containing stylized illustrations of a farm, wheat, and a farmer on a tractor plowing. This stamp is listed at page 810 of Volume 3 of the *2006 Scott Standard Postage Stamp Catalogue* as catalogue number 840B A537. The catalogue lists this stamp's date of issue as 1985.

The fact that an envelope postmarked July 10, 1982 bears stamps that were not issued until well after the date of this postmark establishes that the applicant utilized this document in a fraudulent manner and made material misrepresentations in an attempt to establish his residence within the United States for the requisite period.

Section 212(a)(6)(C) of the Act provides:

Misrepresentation. – (i) In general. – Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible.

By engaging in such action, the applicant negated his own credibility as well as the credibility of his claim of continuous residence in this country for the period from prior to January 1, 1982. In addition, the applicant rendered himself inadmissible to the United States under any visa classification, immigrant or nonimmigrant pursuant to section 212(a)(6)(C) of the Act by committing acts constituting fraud and willful misrepresentation.

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).

The AAO issued a notice to the applicant on October 5, 2007 informing him that it was the AAO's intent to dismiss his appeal based upon the fact that he utilized the postmarked envelope cited above in a fraudulent manner and made material misrepresentations in an attempt to establish his residence within the United States for the requisite period. The AAO further informed the applicant that he was inadmissible to the United States under section 212(a)(6)(C) of the Act as a result of his actions. The applicant was granted fifteen days to provide evidence to overcome, fully and persuasively, these findings. However, as of the date of this decision, neither the applicant nor his former counsel nor current counsel have submitted a statement, brief, or evidence addressing the adverse information relating to her claim of residence in the United States since prior to January 1, 1982. As stated above, 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. *See Matter of Ho*, 19 I&N Dec. at 591-92.

The fact that the applicant utilized documents in a fraudulent manner and made material misrepresentations in an attempt to establish his residence within the United States for the requisite period rendered him inadmissible to this country pursuant to section 212(a)(6)(C) of the Act. By filing the instant application and submitting falsified documents, the applicant has sought to procure a benefit provided under the Act through fraud and willful misrepresentation of a material fact. Because the applicant has failed to provide independent and objective evidence to overcome, fully and persuasively, our finding that he submitted a falsified document, we affirm our finding of fraud. The applicant failed to establish that he is admissible to the United States as required by 8 C.F.R.

§ 245a.12(e). Consequently, the applicant is ineligible to adjust to permanent residence under section 1104 of the LIFE Act on this basis.

ORDER: The appeal is dismissed based upon its withdrawal. This decision constitutes a final notice of eligibility.