

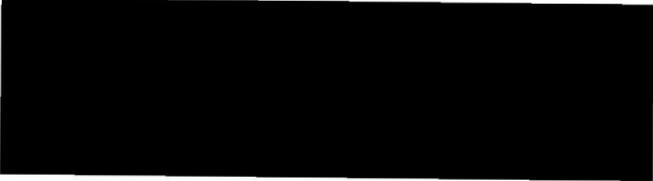
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U.S. Department of Homeland Security  
20 Massachusetts Ave., Rm. 3000  
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U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: TEXAS SERVICE CENTER

APR 23 20

Date:

IN RE:



APPLICATION: Application for Permanent Residence Pursuant to Section 209(b) of the Immigration and Nationality Act, 8 U.S.C. § 1159

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. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Director, Texas Service Center and is now before the Administrative Appeals Office (AAO) on certification. The director's decision will be withdrawn and the application will be approved.

The record reflects that the applicant is a native and citizen of Colombia. On December 12, 2007, the director denied the applicant's Form I-485, Application to Register Permanent Residence or Adjust Status. Specifically, the director found that the applicant made a misrepresentation, as he failed to reveal that he was associated with the Liberal Party in Colombia on his Form I-485 application, despite the fact that the director previously issued a request for evidence instructing the applicant to provide information about his affiliations with political organizations.

On December 21, 2007, the applicant filed a motion to reopen and motion to reconsider the director's denial. The applicant attempted to explain his misunderstanding of the director's request for evidence, and why he did not state that he was a member of the Liberal Party. On January 15, 2008, the director dismissed the applicant's motions, finding that the applicant failed to overcome the ground for denial. The director certified his decision to the AAO.

The record contains statements from the applicant; decisions from the director; and documentation in connection with the applicant's prior application for asylum in the United States. The applicant has not supplemented the record on certification. The entire record was reviewed and considered in rendering this decision.

The record reflects that the applicant did not indicate on his Form I-485 application that he was previously a member of, or otherwise associated with, the Liberal Party in Colombia. However, the applicant previously made statements in connection with his application for asylum that he and all of his family members were part of the Liberal Party.<sup>1</sup>

The director determined that the applicant provided inconsistent information regarding his connection to the Liberal Party and failed to submit sufficient explanation or documentation to resolve the inconsistency. *Decision of the Director* at 3-4, dated January 15, 2008. The director stated that the applicant "closed a material line of inquiry," and denied the application on that basis. *Id.* at 4.

Upon review, the record does not support that the applicant committed a material misrepresentation or otherwise provided inconsistent information that has a material bearing on the present application. Specifically, the record does not show that the applicant would have been found inadmissible had he been a member of the Liberal Party and had he disclosed this information.

In order for a misrepresentation to be material in the present circumstances, it must be established that the applicant would have ultimately been found inadmissible or otherwise ineligible for the benefit he seeks had he revealed complete information about his political affiliations. *Kungys v. United States*, 485 US 759, 772 (1988); *see also Matter of Tijam*, 22 I&N Dec. 408 (BIA 1998).

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<sup>1</sup> It is noted that the applicant's request for asylum in the United States was not based on a claim that he was persecuted due to his political activities or association with the Liberal Party, and whether he was a member of the Liberal Party was not material to his application or grant of asylum.

The AAO finds no indication in country conditions reports, news sources, or other documentation that the Liberal Party in Colombia is engaged in activities that would render its members inadmissible on that basis. *See, e.g., United States Department of State, Country Reports on Human Rights Practices, Colombia*, dated March 11, 2008. The Liberal Party is an officially recognized party in Colombia, with significant influence in government affairs. *See id.*; *See, e.g. United States Central Intelligence Agency World Factbook, Colombia*, <<https://www.cia.gov/library/publications/the-world-factbook/geos/co.html>> (viewed April 7, 2008).

The AAO finds no basis to support that the applicant's membership in the Liberal Party would have led to additional inquiry that may have led to inadmissibility. There is no evidence or information in the record to suggest that the applicant has engaged in criminal or otherwise harmful action in connection with his political beliefs or affiliation with, or support of, a political party.

Accordingly, the record does not support that the applicant's inconsistent or incomplete representation regarding his connection to the Liberal Party in Colombia cut off a material line of inquiry that would have led to a finding of inadmissibility or ineligibility for the benefit he seeks. *See e.g. Matter of S- and B- C-*, 9 I&N Dec. 436 (BIA 1960; AG 1961). The record does not show that, had he been affiliated with the Liberal Party in Colombia, the director would have found him inadmissible or ineligible for permanent residence in the United States. *See Kungys v. United States* at 772 (finding that the test of whether a concealment or misrepresentation was material is whether it had a natural tendency to influence the decisions of the Immigration and Naturalization Service (now Citizenship and Immigration Services)). Therefore, the applicant's inconsistent or incomplete representation regarding his connection to the Liberal Party in Colombia may not serve as a basis for denying the present application for permanent residence.

The applicant has established that he is eligible to adjust his status to permanent resident under section 209(b) of the Act. Based on the foregoing, the director's decision will be withdrawn and the application will be approved.

**ORDER:** The director's decision is withdrawn and the application is approved.