



U.S. Citizenship
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Services

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FILE: [Redacted] Office: New York
MSC 05 181 10354

Date: MAY 09 2007

IN RE: Applicant: [Redacted]

PETITION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

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 temporary resident status pursuant to the terms of the settlement agreements reached in *Catholic Social Services, Inc., et al., v. Ridge, et al.*, CIV. NO. S-86-1343-LKK (E.D. Cal) January 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.*, CIV. NO. [REDACTED] (C.D. Cal) February 17, 2004, (CSS/Newman Settlement Agreements) was denied by the District Director, New York, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director determined that the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through the date that he attempted to file a Form I-687, Application for Status as a Temporary Resident, with the Immigration and Naturalization Service or the Service (now Citizenship and Immigration Services or CIS) in the original legalization application period between May 5, 1987 to May 4, 1988. Therefore, the district director concluded that the applicant was not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements and denied the application.

On appeal, the applicant reiterates his claim of residence in this country for the requisite period and states that he submitted sufficient evidence to support such claim. The applicant asserts that the preparer of his Form I-485 LIFE Act application and corresponding Form G-325A, Biographic Information Form, made a typographical error in entering the dates he resided in Bangladesh. The applicant submits documentation in support of his appeal.

An applicant for temporary residence 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 the date the application is filed. *See* section 245A(a)(2) of the Immigration and Nationality Act (Act), 8 U.S.C. § 1255a(a)(2) and 8 C.F.R. § 245a.2(b).

An alien applying for adjustment to temporary resident status must establish that he or she has been continuously physically present in the United States since November 6, 1986. *See* section 245A(a)(3) of the Act and 8 C.F.R. § 245a.2(b)(1).

For purposes of establishing residence and presence in accordance with the regulation at 8 C.F.R. § 245a.2(b), “until the date of filing” shall mean until the date the alien attempted to file a completed Form I-687 application and fee or was caused not to timely file, consistent with the class member definitions set forth in the CSS/Newman Settlement Agreements. *See* Paragraph 11, page 6 of the CSS Settlement Agreement and paragraph 11, page 10 of the Newman Settlement Agreement.

An alien applying for adjustment of status has the burden of proving 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 245A of the Act, and is otherwise eligible for adjustment of status. 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.2(d)(5).

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, 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)(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 continuous residence in the United States from prior to January 1, 1982 through the date he attempted to file a Form I-687 application with the Service in the original legalization application period from May 5, 1987 to May 4, 1988. Here, the submitted evidence is not relevant, probative, and credible.

The record shows that the applicant submitted a Form I-687 application and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet, to CIS on March 30, 2005. At part #30 of the Form I-687 application where applicants were asked to list all residences in the United States since first entry, the applicant listed "[redacted]" in Queens, New York from November 1981 to April 1985, "[redacted] Beach Florida 33444" from September 1985 to May 1986, and "[redacted] in New York, New York from June 1986 to June 1987. It is noted that the applicant failed to list any residence in the United States in those periods from April 1985 to September 1985 and June 1987 through to at least the date of the termination of the original legalization application period on May 4, 1988. Furthermore, the applicant failed to list any information at part #31 of the Form I-687 application where applicants were asked to list all affiliations or associations with clubs, organizations, churches, unions, business, etc.

In an attempt to establish continuous unlawful residence in this country since prior to January 1, 1982, the applicant submitted an affidavit that is signed by [REDACTED] Mr. [REDACTED] stated that the applicant and his wife resided with him and his spouse in an apartment at 41-42 Case Street, 2nd floor, in Elmhurst, New York from November 1981 to April 1985. While Mr. [REDACTED] listed the same address that the applicant listed as his address of residence at part #30 of the Form I-687 application for that same period, he failed to provide any testimony relating to the applicant's residence subsequent to May 1985.

The applicant included an affidavit signed by [REDACTED] who provided the applicant's most current address of residence and indicated that he had personal knowledge that the applicant resided in the United States since 1981. Mr. [REDACTED] declared that he accompanied the applicant when he went to the Service's Legalization Office in Long Island City, New York when he attempted to apply for legalization and was told by the front-desk officer that he was **not eligible in the original application period** from May 5, 1987 to May 4, 1988. Although Mr. [REDACTED] attested to the applicant's residence in this country since 1981, he failed to provide any relevant and verifiable testimony, such as the applicant's address(es) of residence in this country, to corroborate the applicant's claim of residence in the United States for the requisite period.

The applicant provided an affidavit that is signed by [REDACTED] Ms. [REDACTED] stated that she had known the applicant as a good friend since November 1985. Ms. [REDACTED] noted that the applicant resided at an address in Delray Beach, Florida and worked at [REDACTED] in Boca Raton from November 1985 to April 1986. Ms. [REDACTED] declared that the applicant was working with her daughter at a restaurant in New York City. The information provided by the affiant matched the applicant's testimony regarding his address of residence from November 1985 to April 1986, as well as his employment history since November 1985. However, Ms. [REDACTED] failed to provide any testimony relating to the applicant's residence in the United States from prior to January 1, 1982 through October 1985.

A review of the record revealed that the applicant previously filed a Form I-485 LIFE Act application with the Service on February 11, 2002. The applicant included a Form G-325A, Biographic Information Form, with his filing of the Form I-485 LIFE Act application. Neither the Form I-485 LIFE Act application nor the Form G-325A biographic report contains any indication that these documents were prepared by anyone other than the applicant himself. On the Form G-325A biographic report, the applicant specifically acknowledged that he resided in Kushtia, Bangladesh from his date of birth in March 1952 to October 1985. The fact that the applicant has admitted that he resided in Bangladesh until October 1985 seriously impaired the credibility of his claim of residence in the United States from prior to January 1, 1982, as well as the credibility of any documentation submitted in support of that claim.

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).

In the notice of intent to deny issued on March 3, 2006, the district director questioned the veracity of the applicant's claimed residence in the United States since prior to January 1, 1982 by noting the deficiencies, conflicts, and contradictions cited above. The applicant was granted thirty days to respond to the notice and submit additional evidence in support of his claim of residence in this country since prior to January 1, 1982.

In response, the applicant submitted a statement in which he asserted that a clerical or typographic error had been made by the individual who prepared the Form G-325A biographic report that listed his residence in Bangladesh as March 1952 to October 1985. The applicant contended that the supporting documentation he had provided was sufficient to establish his residence in this country since November 1981, as well as his claim regarding the mistake on the Form G-325A biographic report.

In support of the assertions contained in his response, the applicant submitted an affidavit that is signed by [REDACTED] the same individual who had signed an affidavit that was included with the filing of the Form I-687 application. Mr. [REDACTED] attested to the applicant's residence in the United States since 1981 and stated that he had accompanied the applicant when he went to an individual in order to prepare the applicant's Form I-485 LIFE Act application and the Form G-325A biographic report. Mr. [REDACTED] declared that this individual completed the appropriate forms without allowing the applicant to review these documents. Mr. [REDACTED] contended that this individual simply asked the applicant to sign the documents and then sealed them in an envelope. Mr. [REDACTED] noted that the individual who prepared the applicant's Form I-485 LIFE Act application and the Form G-325A biographic report was an illegal practitioner of law who had made similar errors in the preparation of the documentation of countless others.

The applicant provided an affidavit signed by [REDACTED] who attested to his personal knowledge that the applicant resided in the United States since December 1981 and stated that he went with the applicant in order to have the same individual prepare both his and the applicant's Form I-485 LIFE Act applications. Mr. [REDACTED] asserted that this individual completed the appropriate forms without allowing either he or the applicant the opportunity to review these documents. Mr. [REDACTED] indicated that this individual simply asked him and the applicant to sign the documents and then sealed them in an envelope. Mr. [REDACTED] declared that the individual who prepared the applicant's Form I-485 LIFE Act application and the Form G-325A biographic report was an illegal practitioner of law who had made similar errors in the preparation of the documentation of many other applicants.

The applicant included an affidavit that is signed by [REDACTED]. Mr. [REDACTED] stated that he had personal knowledge the applicant resided in the United States since November 1981. Mr. [REDACTED] noted that he and the applicant subsequently met in the office of an individual who prepared their respective Form I-485 LIFE Act applications and the Form G-325A biographic reports. Mr. [REDACTED] declared that this individual prepared the appropriate forms and the applicant did not review these documents prior to signing the documents. Mr. [REDACTED] testified that the preparer sealed the Form I-485 LIFE Act application and the Form G-325A biographic in an envelope for mailing.

The applicant submitted an affidavit that is signed by [REDACTED]. Mr. [REDACTED] testified that he had personal knowledge the applicant resided in the United States since December 1981. Mr. [REDACTED] indicated that he and the applicant subsequently met in the office of an individual who

prepared their respective Form I-485 LIFE Act applications and the Form G-325A biographic reports. Mr. [REDACTED] stated that this individual prepared the appropriate forms and the applicant did not review these documents prior to affixing his signature to the documents. Mr. [REDACTED] testified that the preparer then sealed the Form I-485 LIFE Act application and the Form G-325A biographic report in an envelope for mailing.

The applicant included an affidavit signed by [REDACTED] who noted that he had personal knowledge the applicant resided in the United States since December 1981. Mr. [REDACTED] stated that he and the applicant subsequently met in the office of an individual who prepared their respective Form I-485 LIFE Act applications and the Form G-325A biographic reports. Mr. [REDACTED] testified that this individual prepared the appropriate forms and the applicant did not review these documents prior to signing the documents. Mr. [REDACTED] stated that the preparer sealed the Form I-485 LIFE Act application and the Form G-325A biographic report in an envelope for mailing.

The applicant provided five affidavits from [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED] all of whom attested to the applicant's residence in the United States since prior to January 1, 1982 as well as the circumstances surrounding the preparation of his Form I-485 LIFE Act application and the Form G-325A biographic report. However, as noted above, neither the Form I-485 LIFE Act application nor the Form G-325A biographic report contains any indication that these documents were prepared by anyone other than the applicant himself. Therefore, the claim that a typographic error had been made by the individual who prepared the applicant's Form G-325A biographic report that listed his residence in Bangladesh as March 1952 to October 1985 and corresponding affidavits cannot be considered as persuasive. Moreover, the probative value of these five affidavits is limited by the fact that all of the affiants failed to provide any specific verifiable testimony, such as the applicant address(es) of residence, in the United States for the requisite period.

The applicant submitted an employment affidavit signed by [REDACTED] who indicated that he supervised the applicant at the [REDACTED] in New York, New York while the applicant worked as a busboy in this establishment from December 1981 to December 1983. However, Mr. Kumar failed to provide any direct and specific testimony to support the applicant's claim that he resided in this country from January 1984 to May 4, 1988.

The applicant included an employment affidavit that is signed by [REDACTED]. The affiant declared that the applicant had been employed as a busboy at the [REDACTED] Indian Restaurant in New York, New York from December 1983 to February 1984. However, Mr. [REDACTED] failed to provide any verifiable information that would tend to corroborate the applicant's claim of residence in the United States from prior to January 1, 1982 to November 1983 and from March 1984 to the termination of the original legalization application period on May 4, 1988.

The applicant provided photocopies of a newspaper article, two employment letters, and a W-2, Wage and Tax Statement, for 1986, all of which relate to the applicant's claim of employment at [REDACTED] in Boca Raton from November 1985 to April 1986.

While the applicant also included a copy of his Social Security Report from the Social Security Administration, this document reflects that the applicant had no earnings subject to social security tax in the United States prior to 1987.

The applicant submitted a letter dated December 5, 2005, that is signed by [REDACTED] and contains the letterhead of the [REDACTED] Inc., Madina Masjid in New York, New York. In his letter, Mr. [REDACTED] testified that he was Iman of Madina Masjid from 1982 to 1986 and during that period he saw the applicant attending Friday prayers and other Islamic holidays at the Masjid. Although Mr. [REDACTED] provided the applicant's address as of the date the letter was executed, he failed to include any of the applicant's addresses of residence during the entire period that the applicant was a member of this religious organization as required under 8 C.F.R. § 245a.2(d)(3)(v). While Mr. [REDACTED] did indicate that he was Iman of Madina Masjid from 1982 to 1986, he failed to indicate that he is currently an official or list his current title with this religious institution as also required under 8 C.F.R. § 245a.2(d)(3)(v). Additionally, Mr. [REDACTED] failed to provide any testimony that the applicant resided in the United States prior to January 1, 1982. Moreover, it must be noted that the applicant failed to provide any explanation as to why he did not list his membership in the Islamic [REDACTED], Madina Masjid at part #31 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 of membership dated February 10, 2006 that contained the letterhead of the [REDACTED] Inc., New York in Elmhurst, New York and is signed by [REDACTED] who listed his position as former general secretary. Mr. [REDACTED] provided the applicant's current address and indicated that he had known the applicant for twenty-two years and that the applicant became a member of this organization in 1984. While Mr. [REDACTED] provided the applicant's address as of the date the letter was executed, he failed to include any of the applicant's addresses of residence during the entire period that the applicant was a member of this religious organization as required under 8 C.F.R. § 245a.2(d)(3)(v). Further, the applicant failed to provide any explanation as to why he did not list his membership in the [REDACTED] Inc., New York at part #34 of the Form I-687 application.

The applicant provided an affidavit of membership dated May 16, 2005 that contained the letterhead of the [REDACTED] Inc., in Astoria, New York and is signed by the president of this organization, [REDACTED] stated that the applicant was known to him and provided the applicant's current address. Mr. [REDACTED] declared that the applicant had been a member of this organization since May 1982. However, Mr. [REDACTED] listed only the applicant most current address and failed to include any of the applicant's prior addresses of residence during the entire period that the applicant was a member of this religious organization as required under 8 C.F.R. § 245a.2(d)(3)(v). Once again the applicant failed to advance any explanation as to why he did not list his membership in the [REDACTED] Inc., at part #31 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 submitted an affidavit that is signed by [REDACTED]. Mr. [REDACTED] testified that he had personal knowledge that the applicant entered the United States without inspection in November 1981

and that he was briefly absent from this country in 1985. Mr. [REDACTED] indicated that he also knew the applicant tried to apply for legalization in the original application period from May 5, 1987 to May 4, 1988. Although Mr. [REDACTED] attested to the applicant's residence in this country since November 1981, he failed to provide any relevant and verifiable testimony, such as the applicant's address(es) of residence in this country, to corroborate the applicant's claim of residence in the United States from prior to January 1, 1982.

The applicant included an affidavit that is signed by [REDACTED] the same individual whose prior affidavit was included with the initial filing of the Form I-687 application. Mr. [REDACTED] indicated that he had personal knowledge that the applicant entered the United States without inspection in November 1981 and that he was absent from this country for less than one month in 1985. Mr. [REDACTED] noted the applicant had lived with him at an unspecified address from his entry into the country in November of 1981 through to April 1985. However, Mr. [REDACTED] failed to attest to the applicant's residence in the United States after April of 1985 to the end of the original legalization application period on May 4, 1988.

The applicant provided another separate affidavit signed by [REDACTED] who declared that he first met the applicant in 1981 at the applicant's place of work, the [REDACTED] Restaurant in New York, New York. Mr. [REDACTED] stated that he had personal knowledge that the applicant was continuously present in the United States January 1982 to May 1988 but for an absence from May 10, 1987 to June 5, 1987.

The applicant submitted an affidavit signed by [REDACTED] who indicated that he first met the applicant in 1983 in Astoria, New York. Mr. [REDACTED] indicated that he had knowledge that the applicant resided in the United States but for a brief absence May 10, 1987 to June 5, 1987. However, Mr. [REDACTED] failed to provide any direct and specific testimony to support the applicant's claim that he resided in this country for the period in question.

The applicant included a two-page affidavit that is signed by [REDACTED]. Mr. [REDACTED] provided a listing of the applicant's addresses of residence in the United States since November of 1981 that matched the addresses listed by the applicant at part #30 of the Form I-687 application. Mr. [REDACTED] stated that the source of his knowledge was his acquaintance with the applicant as a friend and the only times he had not seen the applicant during the period in question was for one month periods in 1985 and 1987.

The applicant provided another separate affidavit that is signed by [REDACTED]. Mr. [REDACTED] indicated that he first met the applicant in 1981 while praying at the Madina Masjid in New York, New York. Mr. [REDACTED] indicated that he had knowledge that the applicant resided in the United States except for a brief absence May 10, 1987 to June 5, 1987. However, as noted above the applicant failed to list any affiliation or association with the Masdina Masjid at part #31 of the Form I-687 application.

The applicant submitted a photocopy of a paycheck stub that is dated either February 23, 1988 or March 23, 1988 from Eastern Newsstands of New York. While this document reflected the applicant's residence in the United States as early as February 1988, it cannot be considered as evidence that he resided in this country since prior to January 1, 1982.

The applicant included a letter that is dated December 10, 1987 and signed by Dr. [REDACTED] (M.D.) of 1457 Broadway in Brooklyn, New York. Dr. [REDACTED] declared that he had first examined the applicant on February 16, 1982 and subsequently saw him again on September 12, 1983 and April 27, 1984. However, Dr. [REDACTED] failed to provide any direct and specific testimony such as the applicant's address(es) of residence in the United States during that portion of the requisite period while the applicant was purportedly under his care. Furthermore, Dr. [REDACTED] failed to provide any testimony regarding the applicant's residence in this country from April 28, 1984 to the date of the termination of the original legalization application period on May 4, 1988.

The applicant provided a letter that is dated February 28, 1987 and signed by Dr. [REDACTED] (D.D.S.) of [REDACTED] in Brooklyn, New York. Dr. [REDACTED] stated that he first examined the applicant on January 12, 1982 and subsequently examined him again on April 27, 1983, September 30, 1984, March 15, 1985, October 11, 1986, December 10, 1986, and December 28, 1987. Although Dr. [REDACTED]'s testimony seemingly confirmed the applicant's claim of residence, his testimony did not include any pertinent and verifiable information relating to the applicant's residence in the United States from prior to January 1, 1982.

The applicant submitted a form letter containing the letterhead of the [REDACTED] and [REDACTED] [REDACTED] in the Bronx, New York, the applicant's name, and chart number 219 14 372, which is dated April 13, 1982. The remainder of the handwritten notations contained in this form letter including the signature of the attending resident, are essentially illegible. The typewritten portions of the form letter indicated that the applicant had been examined in the Pediatric Orthopedic Clinic of this hospital on the date of letter and provided recommendations relating to limitations in physical activity in school as a result of a medical condition. However, the record shows that the applicant was born on March 7, 1952 and that he was thirty years of age as of the date of the form letter. The applicant provided no explanation as to why he, a thirty-year old adult, was treated at the Pediatric Orthopedic Clinic and provided with recommendations relating to limitations in his physical activity in school.

The applicant included a photocopy of a letter dated November 11, 1984 that contained the letterhead of the Emigrant Savings Bank in New York, New York and is signed [REDACTED] Customer Service Manager. The letter listed the same address as that where the applicant claimed to reside as of the date of the letter at part #30 of the Form I-687 application and requested that he provide his Social Security number in order to maintain his account at the bank.

The applicant provided a letter dated October 11, 1982 that contained the letterhead of the Fingerhut Corporation in St. Cloud, Minnesota and is signed by [REDACTED] of the Customer Service Department. The letter is typewritten and listed the same address as that where the applicant claimed to reside as of the date of the letter at part #30 of the Form I-687 application. The letter referenced a shipment of merchandise that had been purportedly mailed to the applicant by this enterprise. However, the size and font of the date, the applicant's name, and his address are visibly and significantly different than that size and font utilized in the remainder of the letter. The fact that the letter contained two different sizes and fonts brings into question the origin and authenticity of the letter.

The applicant submitted two color photocopies of photographs picturing him with Niagara Falls, New York and New York City in the background of each respective photograph. However, the probative value of these photographs is limited by the fact that the dates such photographs were taken cannot be discerned.

The applicant submitted six original postmarked envelopes, four of which are postmarked June 20, 1982, January 21, 1984, October 2, 1985, and October 12, 1985. The remaining two envelopes have no probative value as the postmark on one of the envelopes was incomplete while the other envelope contained a postmark for a date after the termination of the original legalization application period on May 4, 1988. All six of the envelopes were mailed from Bangladesh, bore Bangladeshi postage stamps, and were addressed to the applicant at addresses he claimed to have resided in the United States during the requisite period.

With his response, the applicant submitted photocopies of a variety of documents including purportedly contemporaneous documentation and letters ranging in date from April 13, 1982 to February 1988 that were not included with filing of the applicant's Form I-687 application on March 30, 2005. The fact that the applicant only came forth with such documentation after having been informed in the notice of intent to deny that the evidence of residence he submitted with his Form I-687 application was not sufficient to demonstrate that he continuously resided in the United States since prior to January 1, 1982 brings into question the origin and credibility of such documents. Further, the applicant did not explain why, if this documentation had been in his possession since the 1980's, it had not been submitted along with his Form I-687 application, as applicants were instructed to provide qualifying evidence with their applications and the applicant did include other supporting documents with his application.

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 district director determined that the applicant had failed to submit sufficient credible evidence establishing his continuous residence in this country since prior to January 1, 1982, and, therefore, denied the application on July 6, 2006.

On appeal, the applicant reiterated his claim that the preparer of the Form G-325A biographic report made a typographic error in listing Bangladesh as his residence from his date of birth in March 1952 to October 1985. However, as previously discussed a review of the Form G-325 biographic report as well as the Form I-485 LIFE Act application reveals no indication that either document had been prepared by anyone other than the applicant.

The applicant asserts that no attempts have been made to contact the affiants that provided supporting documentation and verify their testimony. The applicant contends that he could not

obtain further documentation to support his claim of residence in this country because of his status as an illegal alien. While it is acknowledged that it may be difficult to obtain supporting documentation relating to a period when the applicant was purportedly residing in this country as an undocumented alien, such status is insufficient to explain the contradictions and conflicts between the applicant's own testimony and the testimony contained in the applicant's supporting documents. Although the applicant 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 attempt should be made in light of the minimal probative value of the applicant's evidence of residence. The applicant himself has impaired the credibility of such claim by specifically acknowledging that he resided in Bangladesh from 1952 to October 1985 on the Form G-325A biographic report.

As noted above, the applicant submitted four original envelopes postmarked June 20, 1982, January 21, 1984, October 2, 1985, and October 12, 1985, respectively, with his response to the notice of intent to deny. All of these envelopes were mailed from Bangladesh, bore Bangladeshi postage stamps, and were addressed to the applicant at addresses he claimed to have resided in the United States during the requisite period. An examination of the Bangladeshi stamps on the envelopes postmarked June 20, 1982, January 21, 1984, and October 2, 1985 reveals the following adverse information:

- The envelope postmarked June 20, 1982 bears two postage stamps each with a value of one taka and depicting the Kamalapur Railway Station. This stamp is listed at page 661 of Volume 1 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 241 A70. The envelope also bears a single postage stamp with a value of fifty paisas and depicting a Mobile Post Office. This stamp is listed at page 661 of Volume 1 of the *2006 Scott Postage Stamp Catalogue* and is listed as catalogue number 240 A70. In addition, the envelope contains a single postage stamp with a value of five takas that depicts the Khulna Post Office. This stamp is also listed at page 661 of Volume 1 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 242A A70. The catalogue lists all of these stamps' date of issue as December 21, 1983.
- The envelope postmarked January 21, 1984 bears a postage stamp with a value of five takas that contains a picture of a Jute Carpet. This stamp is listed at page 663 of Volume 1 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 293 A91. The catalogue lists the date of issue for this stamp as May 18, 1997.
- The envelope postmarked October 2, 1985 bears a postage stamp with a value of five takas that depicted a cow being milked by a woman. This stamp is listed at page 663 of Volume 1 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 306 A97. The catalogue lists this stamp's date of issue as January 26, 1988. The envelope also bears another single postage stamp with a value of three takas that depicted cargo being loaded on a jet airplane. This stamp is listed at page 664 of Volume 1 of the *2006 Scott Standard Postage Stamp Catalogue* and is listed as catalogue number 350 A121. The catalogue lists the date of issue for this stamp as April 30, 1989.

The fact the envelopes postmarked June 20, 1982, January 21, 1984, and October 2, 1985 bear stamps that were not issued until well after the dates of these postmarks establishes that the applicant utilized documents in a fraudulent manner and made material misrepresentations in an attempt to establish 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 has 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 to May 4, 1988. 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.

The AAO issued a notice to both the applicant and counsel on February 28, 2007 informing him that it was the AAO's intent to dismiss his appeal based upon the fact that he utilized the postmarked envelopes 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 substantial evidence to overcome, fully and persuasively, these findings. However, as of the date of this decision the applicant has failed to submit a statement, brief, or evidence addressing the adverse information relating to the applicant's 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 absence of sufficiently detailed supporting documentation and the existence of derogatory information that establishes the applicant used postmarked envelopes in a fraudulent manner and made material misrepresentations all 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.2(d)(3), 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 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.2(d)(3) and *Matter of E- M-*, 20 I&N Dec. 77 (Comm. 1989).

Given the applicant's reliance upon documents with minimal or no 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 under section 245A(a)(2) of the Act. The applicant is, therefore, ineligible for temporary resident status under section 245A of the Act on this basis.

In addition, 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 falsified documents, we affirm our finding of fraud. This finding of fraud shall be considered in the current proceeding as well as any future proceeding where admissibility is an issue. The applicant failed to establish that he is admissible to the United States as required by The applicant failed to establish that he is admissible to the United States as required by 8 C.F.R. § 245a.2(d)(5). Consequently, the applicant is ineligible to adjust to temporary residence under section 245A of the Act on this basis as well.

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

FURTHER ORDER: The AAO finds that the applicant knowingly submitted fraudulent documents in an effort to mislead Citizenship and Immigration Services and the AAO on elements material to his eligibility for a benefit sought under the immigration laws of the United States. Accordingly, he is inadmissible under section 212(a)(6)(C) of the Act.