

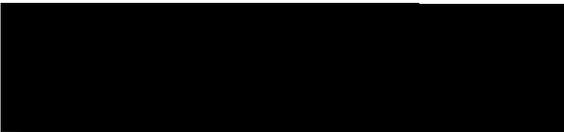
**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



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

PUBLIC COPY

41



FILE: [REDACTED]
MSC-05-022-10020

Office: NEW YORK

Date: JUL 02 2008

IN RE: Applicant: [REDACTED]

APPLICATION: 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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

A handwritten signature in black ink, appearing to read "R. Wiemann", with a long horizontal stroke extending to the right.

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. 87-4757-WDK (C.D. Cal) February 17, 2004 (CSS/Newman Settlement Agreements), was denied by the District Director, New York. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet. The director determined that the applicant had not established by a preponderance of the evidence that he had continuously resided in the United States in an unlawful status for the duration of the requisite period. Specifically, the director stated in her Notice of Intent to Deny (NOID) that the applicant failed to meet his burden of proving that he resided in the United States for the duration of the requisite period by a preponderance of the evidence. She granted him 30 days within which to submit additional evidence in support of his application. In her decision, the director noted that her office received additional evidence from the applicant in response to her NOID. However, she found this evidence was not sufficient to overcome her reasons for denial. She further found discrepancies regarding the applicant's absences subsequent to the requisite period. Because the applicant failed to meet his burden of proof, the director denied the application, finding that the applicant was not eligible to adjust to Temporary Resident Status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, the applicant asserts that he does not have additional documents to submit in support of his application, as he was undocumented at the time he first entered the United States. He states that the Service did not address his previous response to the director's NOID. He provides details regarding his absences from the United States subsequent to the requisite period. He requests that the Service reconsider his application on humanitarian grounds.

An applicant for Temporary 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 the date the application is filed. Section 245A(a)(2) of the Act, 8 U.S.C. § 1255a(a)(2). The applicant must also establish that he or she has been continuously physically present in the United States since November 6, 1986. Section 245A(a)(3) of the Act, 8 U.S.C. § 1255a(a)(3). The regulations clarify that the applicant must have been physically present in the United States from November 6, 1986 until the date of filing the application. 8 C.F.R. § 245a.2(b)(1).

For purposes of establishing residence and physical presence under the CSS/Newman Settlement Agreements, the term "until the date of filing" in 8 C.F.R. § 245a.2(b) means until the date the applicant attempted to file a completed Form I-687 application and fee or was caused not to timely file during the original legalization application period of May 5, 1987 to May 4, 1988.

CSS Settlement Agreement paragraph 11 at page 6; Newman Settlement Agreement paragraph 11 at page 10.

The applicant has the burden of proving by a preponderance of the evidence that he or she has resided in the United States for the requisite period, 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. 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 is permitted pursuant to 8 C.F.R. § 245a.2(d)(3)(vi)(L).

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.* at 80. 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, 431 (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 meet his or her burden of establishing continuous unlawful residence in the United States during the requisite period. Here, the applicant has failed to meet this burden.

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 October 22, 2004. 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 showed his address in the United States during the requisite period to be [REDACTED] in Brooklyn, New York from January 1981 until December 2000. At part #31 where the applicant was asked to indicate his affiliations or

associations with clubs, organizations, churches, unions and businesses, he indicated that he had been a member of the Islamic Council of America at 401 East 11th Street in New York from 1981 and was still a member. He also indicated that he was a member of the Bangladesh Society and that this membership began in 1987 and continued at the time he submitted his Form I-687. At part #32 where the applicant was asked to list all of his absences from the United States, he indicated that he had one absence during the requisite period. He showed his first and only absence from the United States to have been from February 22, 1988 until March 22, 1988. At part #33, where the applicant was asked to list all of his employment in the United States since he first entered, he showed that he was unemployed from January 1981 until September 1981. He stated that he was residing with his father at that time. He indicated that he was then employed by [REDACTED] on [REDACTED] in Brooklyn from October 1981 until the date he submitted his Form I-687.

Also in the record is a photocopy of the applicant's Form I-687 signed on March 25, 1988. Here, the applicant showed his residence and employment in the United States and his absences from the United States consistently with what he showed on his subsequently filed Form I-687. At part #34 of this Form I-687, the applicant was asked to list all of his affiliations with organizations, churches, unions and businesses. The applicant stated that he was a member of the Madina Masjid on East 11th Street in New York from 1982 and that he was still a member at the time he signed this Form I-687. It is noted that the applicant indicated on his subsequently filed Form I-687 that he was a member of the Bangladesh Society since 1987, yet he failed to indicate that membership on this Form I-687. It is also noted that the applicant has indicated that he was a member of the Islamic Council of America since 1981 on his subsequently filed Form I-687. However, on this Form I-687 he stated he was a member of the Madina Masjid since 1982. Of note, both the Islamic Council of America and the Madina Masjid are located at 401 E. 11th Street in New York. These discrepancies in his two Forms I-687 cast doubt on the accuracy with which the applicant has represented his affiliations and associations.

Doubt cast on any aspect of the applicant's proof may, of course, 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. Any attempt to explain or reconcile such inconsistencies will not suffice unless the applicant submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

Further in the record is a statement made by the applicant that is notarized on October 12, 2004. In this statement, the applicant states that he first entered the United States on January 15, 1981 with his father. He states that he resided continuously in an unlawful manner for the duration of the requisite period. He further states that he had a brief absence from the United States and that he attempted to apply for legalization during the original filing period.

The applicant has the burden of proving by a preponderance of the evidence that he has resided in the United States for the requisite period. 8 C.F.R. § 245a.2(d)(5). To meet his burden of

proof, an applicant must provide evidence of eligibility apart from his own testimony. 8 C.F.R. § 245a.2(d)(6). The regulation at 8 C.F.R. § 245a.2(d)(3) provides an illustrative list of documentation that an applicant may submit to establish proof of continuous residence in the United States during the requisite period. This list includes: past employment records; utility bills; school records; hospital or medical records; attestations by churches, unions or other organizations; money order receipts; passport entries; birth certificates of children; bank books; letters or correspondence involving the applicant; social security card; selective service card; automobile receipts and registration; deeds, mortgages or contracts; tax receipts; and insurance policies, receipts or letters. An applicant may also submit any other relevant document pursuant to 8 C.F.R. § 245a.2(d)(3)(vi)(L).

The regulation at 8 C.F.R. § 245a.2(d)(3)(i) states, in pertinent part: that letters from employers should be on the employer letterhead stationary, if the employer has such stationary and must include the following: an applicant's address at the time of employment; the exact period of employment; periods of layoff; duties with the company; whether or not the information was taken from the official company records; and where records are located and whether the Service may have access to the records. The regulation further provides that if such records are unavailable, an affidavit form-letter stating that the alien's employment records are unavailable and noting why such records are unavailable may be accepted in lieu of statements regarding whether the information was taken from the official company records and an explanation of where the records are located and whether USCIS may have access to those records. This affidavit form-letter shall be signed, attested to by the employer under penalty of perjury, and shall state the employer's willingness to come forward and give testimony if requested.

The regulation at 8 C.F.R. § 245a.2(d)(3)(v) states in pertinent part that attestations by churches, unions or other organizations can be considered credible proof of residence if such documents: identify the applicant by name; are signed by an official whose title is shown; show inclusive dates of membership; state the address where the applicant resided during his or her membership period; include the seal of the organization impressed on the letter or the letterhead of the organization, if the organization has letterhead stationary; establish how the author knows the applicant; and establish the origin of the information being attested to. This letter is not notarized and is dated September 20, 2004.

Here, the applicant submitted the following as evidence that is relevant to his residence in the United States for the requisite period:

1. An employment letter from Eagle Construction that is notarized and is dated October 5, 2004 and a second such **employment** letter from the same employer that is dated January 31, 1991. In these letters, [REDACTED] states that the applicant has worked with him from October 1981 until the date he signed his letters. He states that the applicant was paid in cash. Here, [REDACTED] failed to indicate the frequency with which the applicant, who would have been 16 years old in 1981, worked for him or whether there were periods of time during the requisite period when he did not work. He failed to indicate how he was able to

verify the applicant's start date with his company. He did not state whether there were records available that could verify the applicant's employment with him. Because these letters are significantly lacking in detail, and because they are significantly lacking with regards to the criteria the regulation at 8 C.F.R. § 245a.2(d)(3)(i) states employment letters must adhere to, they can be accorded minimal weight as proof that the applicant resided in the United States during the requisite period.

2. Two affidavits from [REDACTED] that were both notarized on October 12, 2004. The affiant states that the applicant and his father arrived in the United States from January 15, 1981 and thereafter resided with him. He indicates that both the applicant and his father continued to reside with him at the time these affidavits were notarized. It is noted here that the record shows the applicant's father currently resides in Bangladesh. The affiant asserts that the applicant attempted to apply for legalization during the original filing period but was turned away. Though this affiant asserts that the applicant resided with him, he failed to indicate whether there were periods of time during the requisite period when he did not see the applicant. Because of their significant lack of detail, these affidavits can be accorded minimal weight as evidence that the applicant resided continuously in the United States for the duration of the requisite period.
3. A declaration from [REDACTED] The declarant submitted a photocopy of his New York State Identification Card as proof of his identity. This declarant states that he first met the applicant in Bangladesh. He states that he resided in Bangladesh at the time the applicant entered the United States. He further states he himself resided in Bangladesh for the duration of the requisite period. Because this declarant resided outside of the United States for the duration of the requisite period and was not personally aware of the events and circumstances of the applicant's residency in the United States at that time, this declaration carries no weight as evidence of the applicant's residence at that time.
4. An affidavit from [REDACTED] that was notarized on October 11, 2004. The affiant states he first met the applicant in the United States in 1981. However, he fails to state how or where he first met the applicant. He does not state the frequency with which he saw the applicant during the requisite period or whether there were periods of time during the requisite period when he did not see the applicant. Because it is significantly lacking in detail, this affidavit carries minimal weight as evidence that the applicant resided in the United States during the requisite period.
5. A declaration from the Bangladesh Society. In it [REDACTED] who indicates he is the general secretary of the Society, states that the applicant is a member of the Bangladesh Society in New York. He goes on to say that the applicant has volunteered in many cultural and ceremonial events since 1987. Here, [REDACTED] does not say how he is able to confirm the applicant's start date as a member of this society. Though he states that the applicant has volunteered at many events since 1987, he does not state how many of these events were during the requisite period or the frequency with which he saw the applicant during that

time. Because this letter is significantly lacking in detail, and because it is lacking with regards to the criteria in the regulation at 8 C.F.R. § 245a.2(d)(3)(v), it can be afforded little weight as proof that the applicant resided in the United States from 1987 until the end of the requisite period.

6. A declaration from Madina Masjid that is not notarized but is dated October 2, 2004. This letter is signed by [REDACTED] Mr. [REDACTED] states that the applicant has been regularly participating in prayer on a weekly basis since he entered the United States. However, it does not state when the applicant began residing in the United States. It does not state whether he attended these services during the requisite period. It further does not state whether there were periods of time when the applicant did not attend prayer services. Because of its significant lack of detail and because it is lacking with regards to the criteria that the regulation at 8 C.F.R. § 245a.2(d)(3)(v) states declarations from churches and organizations must adhere to, this declaration can be accorded minimal weight as proof that the applicant resided continuously in the United States for the duration of the requisite period.
7. A photocopy of an envelope addressed to the applicant that is from [REDACTED] The date stamp on this photocopy is not legible. Because the AAO cannot determine whether evidence pertains to the requisite period, this evidence carries no weight as proof that the applicant resided in the United States during the requisite period.
8. An affidavit from [REDACTED] that was notarized on September 30, 2004. Here, the affiant states that he has known the applicant since 1985. Though he attests to the applicant's character, he does not state how he met the applicant or whether it was in the United States. He does not state the frequency with which he saw the applicant during the requisite period or indicate whether there were periods of time during that period when he did not see the applicant. He fails to state that he personally knows that the applicant resided in the United States during the requisite period. Because this affiant does not state that he knows the applicant resided in the United States during the requisite period, it carries no weight as evidence that he did so.
9. An affidavit from [REDACTED] that was notarized on February 13, 1992. The affiant states that the applicant is his neighbor. However, he fails to indicate when the applicant became his neighbor or whether they were neighbors during the requisite period. The affiant fails to indicate the frequency with which he saw the applicant during the requisite period. He states that he knows the applicant entered the United States by boat from the Bahamas to Miami because the applicant told him that he did so. This affidavit is typed and is not signed. Because this affidavit is significantly lacking in detail, and because it is not clear that the affiant knew the applicant during the requisite period, it carries no weight as evidence that the applicant resided in the United States during the requisite period.

10. A photocopy of a letter signed by [REDACTED] that is from the Islamic Council of America. This letter is dated February 20, 1991 and appears to have been notarized. Mr. [REDACTED] does not indicate his title or how he is affiliated with the Islamic Council of America. He states that the applicant has been personally known to him since 1981. However, he does not state how he met the applicant or whether it was in the United States. He goes on to say that the applicant attended Friday prayers and religious festivals at the Mosque since 1981. However, he failed to indicate how he was able to verify when the applicant began attending religious services. He further failed to indicate whether there were periods of time during the requisite period when the applicant did not attend prayer services. Though the regulation at 8 C.F.R. § 245a.2(d)(3)(v) states in pertinent part that attestations from churches, unions or other organizations can be considered credible proof of residence if such documents: identify the applicant by name; are signed by an official whose title is shown; show inclusive dates of membership; state the address where the applicant resided during his or her membership period; include the seal of the organization impressed on the letter or the letterhead of the organization, if the organization has letterhead stationary; establish how the author knows the applicant; and establish the origin of the information being attested to. This letter does not show [REDACTED]'s title. It does not show the applicant's inclusive dates of membership or provide an address where the applicant resided during his membership. Because of its significant lack of detail, this letter carries minimal weight as evidence that the applicant resided in the United States during the requisite period.
11. A photocopy of a receipt dated July 30, 1981 and showing the applicant's name and an address in the United States.
12. An affidavit from [REDACTED] that was notarized on January 2, 1991. The affiant states that he was the applicant's neighbor. He states that he saw the applicant's father, [REDACTED], every month at various social occasions including dinner parties. He states that he first saw [REDACTED] in February 1981. Though this affiant asserts that he was the applicant's father's neighbor, this affidavit does not contain testimony regarding the applicant's residency in the United States during the requisite period. Therefore, it carries no weight as proof that the applicant resided in the United States at that time.
13. An affidavit from [REDACTED] that was notarized on December 5, 1990. In this affidavit, the affiant states he first met the applicant's father, [REDACTED], in February 1981. This affidavit does not contain testimony regarding the applicant's residency in the United States during the requisite period. Therefore, it carries no weight as proof that the applicant resided in the United States at that time.
14. A declaration from [REDACTED] that is not dated or notarized. This declaration is typed and it is not signed. The declarant states he first met the applicant in Brooklyn in January 1981. He states that the applicant was his neighbor when they met. He states that he knows the applicant entered the United States by boat from the Bahamas to Miami because the applicant told him that he did so. The declarant does not indicate the frequency

with which he saw the applicant during the requisite period. He further fails to indicate whether there were periods of time during the requisite period when he did not see the applicant. Because this declaration is not signed and because it is significantly lacking in detail, it carries no weight as evidence that the applicant resided in the United States during the requisite period.

15. A declaration from [REDACTED]. This declaration is not notarized or dated, nor is it signed by the declarant. The declarant states that she does not remember when she first met the applicant. She states she met him when he came to visit her husband. She states she knows the applicant came to the United States before 1982 because her husband told her that he did so. Though she indicates she was born in Puerto Rico, which is part of the United States, she also indicates that she entered the United States from another country in 1978. Because this declaration is not signed and because it is significantly lacking in detail, it carries no weight as evidence that the applicant resided in the United States during the requisite period.
16. A declaration from [REDACTED] that is not signed, notarized or dated. The declarant submitted a photocopy of his Certificate of Naturalization as proof of his identity. This certificate indicates he was naturalized on June 14, 1996. The declarant states he first met the applicant at the Madina Masjid when he and his father were attending prayer services in September 1982. He states he is a relative of the applicant's. However, he fails to indicate the frequency with which he saw the applicant during the requisite period or to state whether there were periods of time during the requisite period when he did not see the applicant. Because this declaration is not signed and because it is significantly lacking in detail, it carries no weight as evidence that the applicant resided in the United States during the requisite period.
17. A declaration from [REDACTED] that is not notarized or dated. This declaration is also typed and is not signed by the declarant. The declarant submitted a photocopy of his resident alien card with his affidavit. The declarant states he met the applicant in Brooklyn in January 1981 because the applicant's father was looking for a job and the applicant was with him. He states that he himself first entered the United States in August 1975. He states that he is friends with the applicant's father and states that they visit each other. However, he failed to indicate the frequency with which he saw the applicant during the requisite period. He further failed to indicate whether there were periods of time during that period when he did not see the applicant. Because this declaration is not signed and because it is significantly lacking in detail, this declaration carries no weight as proof that the applicant resided in the United States during the requisite period.
18. A declaration from [REDACTED] that is not notarized or dated. This declaration is typed and is not signed. The declarant provided a photocopy of his resident alien card with his affidavit. The declarant states that he met the applicant in June 1981 in Brooklyn when he went to visit the applicant's father at work. He states that he himself entered the United States in 1980. The declarant failed to indicate the frequency with which

he saw the applicant during the requisite period. He further failed to indicate whether there were periods of time during the requisite period when he did not see the applicant. Because this declaration is not signed and because it is significantly lacking in detail, this declaration carries no weight as proof that the applicant resided in the United States during the requisite period.

19. A declaration from [REDACTED] that is not notarized or dated. This declaration is typed and is not signed. The declarant submitted a photocopy of his New York Driver's License with his declaration. The declarant states he first met the applicant at his workplace in October 1982. He states that he is friends with the applicant's father. He states that he himself first entered the United States in July 1982. He failed to indicate the frequency with which he saw the applicant during the requisite period or to state whether there were periods of time during the requisite period when he did not see the applicant. Because this declaration is not signed and because it is significantly lacking in detail, this declaration carries no weight as proof that the applicant resided in the United States during the requisite period.
20. A declaration from [REDACTED] that is not notarized or dated. This declaration is typed and is not signed. The declarant submitted a photocopy of his New York Driver's License with his declaration. The declarant states that he first met the applicant in December 1981 when he went to offer prayer at the Madina Masjid in Manhattan. He states that he is good friends with the applicant's father and that he went to the applicant's house several times. He asserts that he entered the United States in October 1981. The declarant failed to indicate the frequency with which he saw the applicant during the requisite period. He also failed to indicate whether there were periods of time during the requisite period when he did not see the applicant. Because this declaration is not signed and because it is significantly lacking in detail, this declaration carries no weight as proof that the applicant resided in the United States during the requisite period.
21. A declaration from [REDACTED] that is not notarized or dated. The declarant submitted a photocopy of his New York Driver's License with his declaration. He states that the applicant and his father came to visit him in his home in 1981 when they entered the United States. He states that he saw the applicant's father regularly and that sometimes the applicant was with him during these visits. He failed to indicate the frequency with which he saw the applicant during the requisite period or to indicate whether there were times during that period when he did not see the applicant. Because this declaration is significantly lacking in detail, this declaration carries minimal weight as evidence that the applicant resided in the United States during the requisite period.
22. A declaration from [REDACTED] that is not notarized or dated. The declarant states that he met the applicant at work in 1983. He states that the applicant's father is his relative. He asserts that he himself entered the United States in 1983. He did not indicate the frequency with which he saw the applicant during the requisite period or state whether

there were period of time during that period when he did not see the applicant. Because this declaration is significantly lacking in detail, it carries little weight as evidence that the applicant resided continuously in the United States for the duration of the requisite period.

23. A declaration from [REDACTED] the applicant's father, who resides in Bangladesh. This declaration is typed and is not signed. The declarant states he entered the United States with the applicant. He states that he entered the United States in January 1981 and then resided in the United States until 1996. It is noted that declarant [REDACTED] has submitted declarations stating that in 2006 this declarant was residing in the United States. Because of this inconsistency, because this declaration is not signed and because this declaration is significantly lacking in detail, it carries no weight as evidence of the applicant's residence in the United States during the requisite period.
24. A declaration from the applicant's mother, [REDACTED] who resides in Bangladesh. This declaration is typed and is not signed. The declarant states she knows the applicant entered the United States before January 1, 1982 because the applicant told her that he did so. This declarant stated that she resided Bangladesh for the duration of the requisite period. Because of this, she could not have been personally aware of the events and circumstances of the applicant's residency in the United States. Therefore, this declaration carries no weight as evidence that the applicant resided in the United States for the duration of the requisite period.
25. The record also contains an affidavit of divorce signed by [REDACTED] This affidavit indicates that [REDACTED] married the applicant on October 19, 1993. This document shows that on December 31, 2000 she divorced the applicant. She states that the applicant failed to care for her children. She does not indicate whether these are also the applicant's children. It is noted that on his Form I-687 the applicant was asked to list all of his absences from the United States. On his Form I-687, the applicant indicated that his only absence from the United States occurred in 1988. He did not show that he entered Bangladesh to get married in 1993. This inconsistency casts doubt on whether the applicant fully and completely represented his absences from the United States both during and subsequent to the requisite period on his Form I-687.

The director issued a Notice of Intent to Deny (NOID) to the applicant on March 2, 2006. In her NOID, the director stated that though the applicant submitted affidavits from [REDACTED],

[REDACTED], and [REDACTED] these affidavits were not found credible. In saying this, the director stated that credible affidavits contain a document identifying the affiant, proof that the affiant was in the United States during the requisite period, and proof that there was a relationship between the applicant and the affiant. Here, the director found this applicant's affidavits lacking with regards to these criteria.

In response to the director's NOID, the applicant submitted the following:

1. A declaration from the applicant that is dated March 24, 2006. In this declaration, the applicant states that he first entered the United States on January 15, 1981 from the Bahamas to Miami by boat with his father. He asserts that at that time he was his father's dependent. It is noted that this applicant was born in 1965. Therefore, he would have been 16 years old in 1981. He states that because he was his father's dependent he did not have receipts. However, he states that he is enclosing the evidence that he does have with his response.
2. An affidavit from [REDACTED] that was notarized on March 21, 2006. The affiant submits a photocopy of his New York Driver's License with his affidavit. He further submits a photograph of himself with the applicant. It is not clear when this photograph was taken. Therefore, the AAO cannot determine whether it was taken during the requisite period. In this affidavit, the affiant states that the applicant resided at his address from January 1981 through the duration of the requisite period. However, he fails to state whether there were periods of time during the requisite period when he did not see the applicant. He states that he is a general contractor and that the applicant, his nephew, and the applicant's father both worked for him during the requisite period.
3. A second affidavit from [REDACTED] that as notarized on March 20, 2006. In this affidavit, the affiant states that he has resided in the United States since 1980 and that he has known the applicant since 1981 and states the applicant resided with him during the requisite period.
4. An affidavit from [REDACTED] that was notarized on March 17, 2006. The affiant submitted a photocopy of his New York driver's license as proof of his identity with his affidavit. He further submits a photograph of himself with the applicant. It is not clear when or where this photograph was taken. Therefore, the AAO cannot determine whether it was taken during the requisite period. The affiant states that he has resided in the United States since 1973. He goes on to say that he met the applicant in January 1981 when he was residing at [REDACTED]'s apartment with his father. However, he fails to indicate the frequency with which he saw the applicant during the requisite period or to state whether there were periods of time during that period when he did not see the applicant. Because this affidavit is significantly lacking in detail, it carries minimal weight as proof that the applicant resided in the United States during the requisite period.
5. An affidavit from [REDACTED] that was notarized on March 21, 2006. In this affidavit, the affiant states he has resided in the United States since 1984. He states he knows the applicant resided in the United States since 1985.
6. A letter from [REDACTED] who states that he first examined the applicant on March 10, 1982 and then examined him yearly for the duration of the requisite period. The regulation at 8 C.F.R. § 245a.2(d)(3)(iv) provides that credible proof of residence may be in the form

of "medical records showing treatment or hospitalization of the applicant." The regulation further provides that these records, "must show the name of the medical facility or physician and the date(s) of the treatment." This letter, dated May 10, 1987, fails to indicate the source of information [REDACTED] referred to in order to obtain the applicant's March 10, 1982 start date as his patient. He fails to submit medical records with this letter. Because it is lacking with regards to the requirements the regulation states medical letters must adhere to in order to be considered credible proof of residence, this letter is accorded very minimal weight as evidence of the applicant's residence in the United States during the requisite period.

7. A photocopy of an envelope addressed to the applicant. This envelope is date stamped on October 11, 1981.
8. A photocopy of an envelope addressed to the applicant. This envelope is date stamped December 3, 1987.
9. A photocopy of an envelope addressed to the applicant that is from [REDACTED]. The date stamp on this photocopy is not legible. However, the date July 1988 is written at the top of this photocopied page.
10. A photocopy of a receipt from Jays Custom Dinettes in Astoria, New York. This receipt is dated November 21, 1986.

The director denied the application for temporary residence on June 8, 2006. In denying the application, the director stated that though the applicant submitted an employment letter from Eagle Construction that stated he worked there during the requisite period, he failed to submit proof that Eagle Construction was in business during that time. She went on to say that though the applicant stated he only left the United States on one occasion in 1988, the divorce affidavit in the record showed he was married in 1993 in Bangladesh and divorced on December 31, 2000 in Bangladesh. She further stated that her office did not find the affidavits submitted by the applicant to be credible. Therefore, the director found that the applicant did not meet his burden of establishing that he resided continuously in the United States for the duration of the requisite period.

On appeal, the applicant submits a brief dated June 30, 2006. In this brief, he asserts that the director did not fully address the evidence he submitted in response to the director's NOID. He further states that he was never asked about his absences from the United States that occurred after the statutory period ended. He states that he was absent from October 2, 1993 until November 15, 1993; from November 5, 1996 to December 10, 1996; from June 18, 1999 to July 28, 1999. He goes on to say that each time he was absent he left by air and then entered through Canada. He states that all affiants from whom he has submitted affidavits have stated that they are willing to confirm their statements. He resubmits previously submitted evidence.

Though the applicant has submitted numerous affidavits, these affidavits were significantly lacking in detail and were not sufficient to allow the applicant to meet his burden of proof for the reasons previously noted. Though the applicant states on appeal that he was never previously asked by CIS to note absences that occurred outside of the requisite period, part #32 of the Form I-687 application required him to list all of his absences from the United States since January 1, 1982. He indicated only once absence from the United States that occurred in 1988. Only after the director noted that there was evidence in the record that showed the applicant was absent from the United States on other occasions did he provide details of those absences. That the applicant did not fully disclose all of his absences to CIS casts doubt on whether the applicant accurately represented his absences from the United States both during and subsequent to the requisite period as previously noted.

In this case, the absence of probative documentation to corroborate the applicant's claim of continuous residence for the requisite period seriously detracts from the credibility of his claim. Pursuant to 8 C.F.R. § 245a.2(d)(5), the inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. Given that none of the documents submitted by the applicant are lacking in detail and that there are contradictions in the record regarding the applicant's absences, it is concluded that he has failed to establish by a preponderance of the evidence that he has continuously resided in an unlawful status in the United States for the requisite period as required under both 8 C.F.R. § 245a.2(d)(5) and *Matter of E- M--*, *supra*. The applicant is, therefore, ineligible for Temporary Resident Status under section 245A of the Act on this basis.

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