U.S. Department of Homeland Security
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U.S. Citizenship and Immigration Services

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[redacted]

FILE: [redacted] Office: SAN FRANCISCO Date: JUL 23 2008

MSC-05-218-10575

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. 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 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, San Francisco. 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 applicant did not consistently represent his absences from the United States during the requisite period in evidence found in the record, casting doubt on whether he resided continuously in the United States during that time. The director denied the application, finding that the applicant had not met his burden of proof and was, therefore, not eligible to adjust to Temporary Resident Status pursuant to the terms of the CSS/Newman Settlement Agreements.

On appeal, the applicant states that the director correctly noted that the applications submitted by the applicant in May and October of 1990 state that he had absences that were not consistent with those shown on his Form I-687 filed pursuant to the CSS/Newman Settlement Agreements. However, he asserts that these inconsistencies were the result of a preparer incorrectly completing the applicant's previous applications.

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 applicant 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 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 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 May 6, 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 showed his addresses in the United States during the requisite period to be: [redacted] in Sugarland, Texas from May 1981 until October 1984; [redacted] in Paramount, California from November 1984 until April 1987; and [redacted] in Bellflower, California from April 1987 until January 1991. At part #31, where the applicant was asked to list all of the churches and organizations of which he had ever been a member since his first entry, he indicated that was a member of Sikh Temples in El Sobrante and Freemont and that he his membership with these temples began in 1993. At part #32, where the applicant was asked to list all of his absences from the United States since he first entered, he indicated that during the requisite period, he had one absence that occurred from June

of 1987 until July of 1987 when he went to Canada to visit relatives. At part #33, where the applicant was asked to list all of his employment in the United States since he first entered, he showed his employment in the United States during the requisite period to be: as a laborer for an unnamed employer in Sugarland, Texas from May 1981 until October 1984; as a self-employed person with an unnamed occupation in an unspecified location from November 1984 until June 1987 and as a cashier at a 7-eleven store in Pico Rivera, California from July 1987 until January 1991.

A second Form I-687 is also in the record. The applicant signed this Form I-687 on October 20, 1990. At part #33 of this Form I-687 application where applicants were asked to list all residences in the United States since first entry, the applicant showed his addresses in the United States during the requisite period consistently with what he showed on his other Forms I-687. At part #34, where the applicant was asked to list all of the churches and organizations of which he had ever been a member since his first entry, he indicated that he had not been a member of any churches or organizations at the time he signed this Form I-687. At part #35 of this application, where the applicant was asked to list all of his absences from the United States since he first entered, he indicated that during the requisite period he had one absence when he went to Canada from May 2 to May 31, 1987 to visit his sister-in-law who was sick. It is noted that the dates associated with this absence are not consistent with what the applicant showed on his other Forms I-687. At part #36 of this application, where the applicant was asked to list all of his employment in the United States since he first entered, he showed his employment in the United States during the requisite period to be: self employment from May of 1981 until April 1984; no employment is indicated for the period from May 1984 to April 1985; working for [redacted] t" from May 1985 until July 1986; self-employment in California from July 1986 until April 1987 and then working for [redacted] from June 1987 until August 1990. It is noted that this employment shown here is not consistent with what he showed for corresponding dates on his other Forms I-687 in the record. It is noted that this Form I-687 does not indicate that it was prepared by an individual other than the applicant.

Also in the record is a third Form I-687 that the applicant signed on May 16, 1990. At part #33 of this Form I-687 application where applicants were asked to list all residences in the United States since first entry, the applicant showed his addresses in the United States during the requisite period consistently with what he showed on his subsequently filed Forms I-687. At part #34, where the applicant was asked to list all of the churches and organizations of which he had ever been a member since his first entry, he indicated that he had not been a member of any churches or organizations at the time he signed this Form I-687. At part #35 of this application, where the applicant was asked to list all of his absences from the United States since he first entered, he indicated that during the requisite period, he had one absence that occurred from April 15 until May 25, 1987 when he went to Canada for a visit. It is noted that the dates associated with this absence are not consistent with what the applicant showed on either of his other Forms I-687. At part #36 of this application, where the applicant was asked to list all of his employment in the United States since he first entered, he showed his employment in the United States during the requisite period to be: working for [redacted] Dairy Ashford in Houston

Texas from May 1981 until October 1984. He then showed that he worked performing janitorial work in an unspecified location from November 1984 until the date he signed this Form I-687. It is noted that this employment is not consistent with what the applicant showed in his subsequently filed Forms I-687. It is noted that this Form I-687 indicates that it was prepared by [redacted], who has stated that her occupation is that of a secretary.

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 Citizenship and Immigration Services (CIS) 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.

In an attempt to establish continuous unlawful residence in this country since prior to January 1, 1982, the applicant provided the following documentation that is relevant to the requisite period:

1. A photocopy of a receipt for a donation of fifty-one (51) dollars to the Sikh Center of the Gulf Coast Area dated January 5, 1982. This receipt does not indicate an address for the applicant or show that he was residing in the United States at the time he made this donation. Further, the applicant did not indicate on any of his three Forms I-687 that he was a member of any religious institutions until 1993. Because this receipt conflicts with what the applicant showed on his Forms I-687, which do not show that he was a member of any Sikh Temples prior to 1993, and because this receipt does not indicate that the applicant was residing in the United States at the time he made this donation, it carries no weight in

establishing that the applicant resided continuously in the United States for the duration of the requisite period.

2. An affidavit from [redacted] that is dated May 14, 1990. In this affidavit, Mr. [redacted] states that he has known the applicant since 1981. He states that he met the applicant when the applicant was residing in Houston and goes on to say that he has seen the applicant on a yearly basis. He states that he resided with the applicant. Here, though the affiant states he has known the applicant since 1981, he does not indicate where he met the applicant or whether he met him in the United States. He does not show an address at which he resided with the applicant, nor does he indicate the dates that they resided together. As this affidavit is significantly lacking in detail, it carries very minimal weight in establishing that the applicant resided continuously in the United States during the requisite period.

3. An affidavit from that is dated May 16, 1990. Here, the affiant states that he met the applicant through a friend in November of 1984. The affiant does not provide the name of the friend through whom he met the applicant. He does not state where he met the applicant or indicate whether they met in the United States. He does not indicate how frequently he sees the applicant. Because the affiant stated he did not meet the applicant until 1984, this affidavit carries no weight in establishing that the applicant entered the United States before January 1, 1982. Because it is significantly lacking in detail, it carries minimal weight in establishing that the applicant resided in the United States for part of the requisite period.

4. An employment verification letter signed by [redacted] on July 17, 1990. In this letter, Mr. [redacted] indicates that he has resided in the United States since 1981. He goes on to say that he owns a business called "[redacted] Moving Company" and that the applicant worked for this company from May 1981 until October 1984. This letter does not show the applicant's address at the time of his employment or indicate any period of layoff. It fails to indicate what the applicant's duties with the company were or whether the information in the letter was taken from official company records. There is no information regarding where company records are located or if they exist. Because this letter is lacking with regards to the criteria that the regulation at 8 C.F.R. § 245a.2(d)(3)(i) states employment letters must adhere to, minimal weight can be accorded to this letter as proof of the applicant's residence in the United States during the requisite period.

5. An employment letter from [redacted] dated February 7, 1991. In this letter, [redacted] states that he employed the applicant as a helper on a truck from May 1981 until October 1984. It is noted that an affiant with this same name has indicated that he employed the applicant to work in his company named, "[redacted] Moving Company." That name is not mentioned in this letter. Because this letter is lacking with regards to the criteria that the regulation at 8 C.F.R. § 245a.2(d)(3)(i) states employment letters must adhere to, minimal weight can be accorded to this letter as proof of the applicant's residence in the United States during the requisite period.

6. A self-employment letter submitted by the applicant that states that from May 1981 until May 1984 he was self-employed doing odd jobs and receiving cash for his labor.

7. An employment verification letter dated August 27, 1990 from who states that the applicant worked for him from May 1985 until July 1986. Mr. indicates that the applicant was paid in cash at that time. However, Mr. fails to indicate how is able to verify the applicant's dates of employment with him. He does not state if he maintained official records that were consulted to determine those dates of employment. He does not state whether there were periods of layoff during the applicant's employment. Because this letter is lacking with regards to the criteria that the regulation at 8 C.F.R. § 245a.2(d)(3)(i) states employment letters must adhere to, minimal weight can be accorded to this letter as proof of the applicant's residence in the United States during the requisite period.

8. An employment letter from [redacted] that is dated August 17, 1990. In this letter, Mr. [redacted] states that the applicant has worked for him from June 25, 1987 until the letter was signed in August of 1990. Mr. [redacted] states that there are no employment records to verify this because the applicant is paid in cash for his work. It is noted that this employment is not consistent with what the applicant showed as his employment on his Form I-687 submitted in May 2005, where he indicated that he worked for a 7-eleven on the dates that correspond with this affidavit or with his Form I-687 submitted in October 1990 where he indicated that he was a janitor during those dates. Because this letter is lacking with regards to the criteria that the regulation at 8 C.F.R. § 245a.2(d)(3)(i) states employment letters must adhere to, minimal weight can be accorded to this letter as proof of the applicant's residence in the United States during the requisite period.

9. An employment letter from 7-eleven stating that as of August 26, 1990, the applicant was working at a 7-eleven in Pico Rivera, California. This letter is signed by [redacted] who indicates that he is the franchise owner. This letter fails to indicate when the applicant began to work for this franchise or to indicate where the franchise is located. Because this letter is lacking with regards to the criteria that the regulation at 8 C.F.R. § 245a.2(d)(3)(i) states employment letters must adhere to, minimal weight can be accorded to this letter as proof of the applicant's residence in the United States during the requisite period.

10. A photocopy of an illegible lease.

11. An affidavit from [redacted] that is signed. It is unclear when Mr. [redacted] signed this affidavit. It is not notarized. Here, Mr. [redacted] indicates that the applicant went to Canada from May 2 until May 31, 1987.

12. An affidavit from that is not dated. Here, Mr. states that he personally knows that the applicant went to Canada on May 2, 1987 by car. He states that he drove the

applicant to Canada at that time and that the applicant returned from Canada on May 31, 1987.

13. An affidavit from [redacted] dated February 20, 1991 in which the affiant states that the applicant, his brother-in-law, came to visit him in Canada from June 17, 1987 until July 10, 1987.

14. An affidavit from [redacted] that was signed on February 1, 1991. In this affidavit, Mr. states he personally knows that the applicant resided in the United States from November 1984 until April 1987. He states that he met the applicant at an Indian temple in Los Angeles. It is noted here that the applicant indicated on the instant Form I-687 that he has only been a member of temples since 1993.

15. A declaration from [redacted], who indicates that he is the Vice President of the Gulf Coast Area Sikh Center. This declaration is dated August 2, 2005. The declarant states that the applicant was a member of the Sikh Center of the Gulf Coast Area from 1981 to 1984. He states that the applicant attended weekly ceremonies at that time. It is noted that the applicant did not indicate that he was a member of any Sikh temples on his Forms I-687 submitted in May 1990 or October 1990. Though he indicated that he was a member of Sikh temples on his Form I-687 submitted in May 2005 pursuant to the CSS/Newman Settlement Agreements, he indicated that this membership began in 1993.

16. An affidavit from [redacted] that was notarized on August 18, 2005. The affiant submits a photocopy of his United States passport identification page with his affidavit. The affiant states that he knows that the applicant resided in Sugarland, Texas from May 1981 until October 1984. He states that he and the applicant went shopping and to Sikh temples together during that time. However, he fails to indicate the frequency with which he saw the applicant from 1981 to 1984. He does not state whether there were periods of time when he did not see the applicant. Because this affidavit is significantly lacking in detail, it can only be accorded minimal weight as proof that the applicant resided in the United States from May 1981 until October 1984.

17. Affidavits from [redacted] and [redacted] that were notarized on August 5, 2002. The affiants state that they know that the applicant has resided in the United States since 1981. However, these affiants fail to state the frequency with which they saw the applicant during the requisite period or to indicate whether there were periods of time when they did not see the applicant. They fail to indicate where they first met the applicant or whether they first met him in the United States. Because these affidavits are significantly lacking in detail, they can be accorded minimal weight as evidence that the applicant resided in the United States for the duration of the requisite period.

18. An affidavit from that was notarized on August 5, 2002. The affiant states that the applicant resided with him from May 1981 until October 1984.

The director issued a NOID to the applicant on January 11, 2006. In his NOID, the director noted that the applicant did not consistently indicate his absence from the United States during the requisite period on his Forms I-687 submitted in May 1990, October 1990 and May 2005. The director further noted that though the applicant had submitted evidence in support of previous applications, there were inconsistencies between this evidence as well. The director found that the inconsistencies in the record caused the applicant to fail to meet his burden of proof. The director granted the applicant 30 days within which to submit additional evidence in support of his application.

The director did not date his final decision. However, in this decision, the director stated that because the applicant did not respond to his NOID, he failed to overcome the director's reasons for denial of his application as stated in that NOID. Therefore, the director denied the application.

However, the record shows that the applicant did respond to the director's NOID with the following:

1. An undated letter in which he states that he was not literate when he completed his application in May 1990 and therefore he relied on someone to complete his application. He argues that it is not his fault that the person who completed this application made this error. He states that though he told this preparer that his absence from the United States was from June to July of 1987, that person wrote down his absence as occurring in May of that year. As was previously noted, the applicant also submitted affidavits from [redacted] and [redacted] which also state that the applicant was absent during the month of May in 1987.

2. An affidavit from [redacted] that was notarized on February 3, 2006. The affiant states that from 1985 to 1990 the applicant visited the Sikh Temple in Buena Park, California. He goes on to say that after the applicant attended the temple he visited with the affiant. It is noted that the applicant did not indicate on either of his Forms I-687 submitted in May and October 1990 that he was a member of any Sikh Temples. Though he did indicate that he was a member of Sikh temples on his Form I-687 submitted in May 2005, he indicated on this Form I-687 that his membership began in 1993 and that he was a member of temples located in El Sobrante and Fremont.

3. An affidavit from [redacted] that was notarized on February 8, 2006. The affiant submits a photocopy of his Texas Driver License with his affidavit. The affiant states that the applicant has resided in the United States since 1981. This affiant does not state the frequency with which he saw the applicant during the requisite period or whether there were periods of time during that period when he did not see the applicant. He fails to indicate where he first met the applicant or whether he met him in the United States. He does not state whether he himself resided in the United States during the

requisite period. Because this affidavit is significantly lacking in detail, it can only be accorded minimal weight as proof that the applicant resided in the United States during the requisite period.

4. An affidavit from [redacted] that was notarized on February 9, 2006. The affiant states that he first met the applicant at a temple in Los Angeles in November 1986. He states that he personally knows that the applicant resided in the United States from November 1986 until April 1987.

5. Though the applicant submits photocopies of envelopes that show his name and address at which he has indicated he resided during the requisite period, the date stamps on these photocopies are not legible. Therefore, the AAO cannot determine whether they are relevant to the requisite period.

Though the AAO notes that the director erred in stating that the applicant failed to respond to his NOID, the director's error is harmless because the AAO conducts a de novo review, evaluating the sufficiency of the evidence in the record according to its probative value and credibility as required by the regulation at 8 C.F.R. § 245a.2(d)(6). The AAO maintains plenary power to review each appeal on a *de novo* basis. 5 U.S.C. § 557(b) ("On appeal from or review of the initial decision, the agency has all the powers which it would have in making the initial decision except as it may limit the issues on notice or by rule."); *see also, Janka v. U.S. Dept. of Transp., NTSB*, 925 F.2d 1147, 1149 (9th Cir. 1991). The AAO's *de novo* authority has been long recognized by the federal courts. *See, e.g. Dor v. INS*, 891 F.2d 997, 1002 n. 9 (2d Cir. 1989).

On appeal, the applicant states that individuals prepared his applications submitted in May 1990 and October 1990 and that, due to no fault of his own, these preparers incorrectly completed his Forms I-687.

Though the applicant argues that he was not assisted by an attorney but by an agent when he completed his Forms I-687 in 1990, there is no remedy available for an applicant who assumes the risk of authorizing an unlicensed attorney or unaccredited representative to undertake representations on its behalf. *See* 8 C.F.R. § 292.1. The AAO only considers complaints based upon ineffective assistance against accredited representatives. *Cf. Matter of Lozada*, 19 I&N Dec. 637 (BIA 1988), *aff'd*, 857 F.2d 10 (1st Cir. 1988)(requiring an appellant to meet certain criteria when filing an appeal based on ineffective assistance of counsel).

Further, as was previously noted, the applicant submitted affidavits from individuals who also testified that he was absent from the United States both on specific dates during the month of May 1987 and from June to July 1987. These inconsistencies cannot be explained by a preparer entering erroneous information into a form.

The AAO has reviewed the evidence submitted by this applicant with his Forms I-687 submitted in May and October of 1990, with his Form I-687 submitted in May 2005 pursuant to the

CSS/Newman Settlement Agreements and submitted in response to the Director's NOID. The AAO finds that the applicant has not been consistent regarding the dates of his absence from the United States, nor has he been consistent when representing his employment in the United States. Though neither of his Forms I-687 submitted in 1990 state that the applicant had been a member of a Sikh temple and though his Form I-687 submitted in May 2005 states that he has only been a member of Sikh temples in El Sobrante and Fremont since 1993, he has submitted numerous documents attesting to his membership in other Sikh temples prior to 1993. These inconsistencies cast doubt on the credibility of the applicant's claim of having maintained continuous residency in the United States during the requisite period.

The record does not indicate the applicant's employment consistently. Documents in the record indicate the applicant's employment from 1981 to 1984 as follows: his Form I-687 from May 1990 states that he worked for the [redacted] Morcer Dairy; his Form I-687 signed October 1990 states that he was self-employed; his Form I-687 from May 2005 states that he was a laborer in Sugarland, Texas; an affidavit from [redacted] indicates that he worked for "[redacted] Moving Company"; a second affidavit from [redacted] indicates that the applicant was a helper on a truck at that time.

Similarly, documents in the record indicate that from 1984 to 1987 the applicant was employed: as a janitor on his May 1990 Form I-687; that he was unemployed from 1984 to 1985; that he worked for [redacted] Cut from 1985-1986; and that he was self-employed for the duration of this time on his May 2005 Form I-687.

As well, documents in the record state that from 1987-1991 the applicant worked as the following: as a janitor until 1990 on his May 1990 Form I-687; for [redacted] on his October 1990 Form I-687; that he worked as a cashier at a 7-eleven in Pico Rivera, California on his May 2005 Form I-687.

Though the applicant consistently stated that he only had one absence from the United States during the requisite period, he indicated that the dates associated with this absence were: from April 15 to May 25, 1987 on his May 1990 Form I-687; from May 2 to May 31, 1987 on his October 1990 Form I-687 and in affidavits from [redacted] and [redacted]; and from June to July 1987 on his May 2005 Form I-687 and in an affidavit from [redacted].

These inconsistencies cast doubt on the applicant's claim of having resided continuously in the United States for the duration of the requisite period.

Doubt cast on any aspect of the petitioner's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. It is incumbent upon the petitioner to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the petitioner submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988).

The absence of consistent, sufficiently detailed supporting documentation to corroborate the applicant's claim of continuous residence for the entire requisite period seriously detracts from the credibility of this 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 the numerous contradictions and inconsistencies in the record regarding the dates that correspond with the applicant's absence from the United States and his employment during the requisite period and his reliance upon documents with minimal probative value, it is concluded that he has failed to establish continuous residence in an unlawful status in the United States for the requisite period 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.