U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529

PUBLIC COPY

Identifying data deleted to prevent clearly unwarranted invasion of personal privacy

U.S. Citizenship and Immigration Services

L 1

[redacted]

FILE: [redacted] Office: NEW YORK Date: MAY 06 2008

MSC-04-335-10977

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:

[redacted]

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.

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 she had continuously resided in the United States in an unlawful status for the duration of the requisite period. The director denied the application, finding that the applicant had not met her 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, counsel for the applicant addresses the deficiencies in her evidence.

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).

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 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 Supplement to Citizenship and Immigration Services (CIS) on August 30, 2004. At part #30 of the Form I-687 application where applicants are asked to list all residences in the United States since first entry, the applicant showed that during the requisite period she resided at the following locations: Woodside, New York from July 1981 until January 1985; Pompano Beach, Florida from February 1985 until December 1986; Corona, New York from January 1986 until June 1987; and Elmhurst, New York from July 1987 until December 1988.[1] At part #33, she showed her first employment in the United States during the requisite period as the following: BBQ in New York, New York from January 1985 until March 1985; [redacted] in Miami, Florida from February 1985 until December 1986; and New York Gift Shop in Woodside, New York from January 1987 until December 1988.

The applicant submitted the following documentation as corroborating evidence:

[1] The applicant's residence in Pompano Beach, Florida from February 1985 until December 1986 is inconsistent with her residence in Corona, New York from January 1986 until June 1987.

- A color copy of an appointment notice from Woodhull Medical & Mental Health Center, Brooklyn, New York. The notice indicates that the applicant was scheduled for an appointment at this center on March 26, 1982. The regulations at 8 C.F.R. § 245a.2(d)(6) provide that in judging the probative value and credibility of the evidence submitted, greater weight will be given to the submission of original documentation. Had the applicant submitted an original of this receipt, it could have been assessed for its probative value and credibility. Since the applicant has not submitted the original, this receipt is afforded lesser weight as credible and probative evidence of the applicant's residence in the United States on March 26, 1982. Therefore, this receipt is of minimal probative value as evidence of the applicant's residence in the United States on March 26, 1982.

- A copy of a cash receipt from Queens Lincoln Car & Limo Service Inc.[2] Pursuant to 8 C.F.R. § 245a.2(d)(6), this document is also afforded lesser weight as credible and probative evidence because it is not an original. Additionally, the area code for one of the phone numbers on this receipt is 718. The area code 718 was not in use in Queens until 1985. A Bell Atlantic Press Release on the issuance of the 347 area code provides, in part, "[t]he 212 area code was introduced in 1945 and served all of New York City for 40 years. The 718 area code was introduced in *1985*, replacing the 212 area code in Brooklyn, Queens and Staten Island" (emphasis added).[3] Therefore, this document is of no value as probative, credible evidence of the applicant's residence in the United States on April 21, 1984.

- A copy of a notarized letter from [redacted], Proprietor, Otis Parker & Sons, dated September 4, 1987.[4] This letter states, "[t]his is to certify that [redacted], Date of Birth: March 06, 1969, currently residing at [redacted] Elmhurst, New York 11373 was employed with this company between October 1983 and January 1985 as a Telephone Receptionist." The regulations at 8 C.F.R. § 245a.2(d)(3)(i) provide that letters from employers should include the applicant's address at the time of employment, duties with the company, and whether or not the information was taken from official company records. This letter fails to follow these delineated guidelines. Notably, there is no indication in the letter that [redacted] has personal knowledge of the applicant's employment with Otis Parker & Sons between October 1983 and January 1985. Furthermore, the applicant's Form I-687 application does not provide any information on her employment with Otis Parker & Sons. The applicant has listed her first employment in the United States as a food delivery person with BBQ in New York, New York from January 1985 until March 1985. Finally, a search of the New York Department of State Division of Corporations' database does not show either an active or inactive listing for Otis Parker & Sons. Given all

---

[2] This document states that it has been sworn before a notary. However, the document does not include the name and signature of the person that has sworn to the content of the receipt.

[3] http://www.prnewswire.com/cgi-bin/stories.pl?ACCT=104&STORY=/www/story/09-13-1999/0001020163&EDATE=

[4] This letter states that it was notarized by Sandra Walzman. However, it contains a notary public seal from Isabel Reyes.

of these deficiencies, this letter does not have any weight as probative evidence of the applicant's residence in the United States from October 1983 until January 1985.

- An affidavit from [redacted] dated August 14, 2004, and a copy of the biographical page of [redacted]'s United States passport. This affidavit, in part, provides:

> I met [the applicant] in a street festival that was organized by a Hispanic organization in Corona, Queens in August 1986. . . At the very beginning of [sic] acquaintance with [redacted], I came to know that she was from Ecuador, and she came to [sic] USA in July 1981 illegally by crossing the US-Mexican border at Tijuana/California. She was living at that time in Pompano Beach, Florida. However, she re-located herself in Queens, New York in December 1986. I visited her at [redacted] Elmhurst, New York 11373 many times . . .

The affidavit states that [redacted] first met the applicant in the United States in August 1986. However, it lacks any detail on [redacted]'s contact with the applicant from August 1986 until the end of the requisite period. Relevant details would include the type and frequency of contact she had with the applicant during the requisite period. Given this lack of detail, this affidavit is of minimal probative value as evidence of the applicant's continuous residence in the United States since August 1986.

- An affidavit from [redacted] dated July 20, 2004, which, in part, provides:

> I personally know the CSS Class Applicant [redacted] an alien from Ecuador since October 1981. I met her at my sister's residence which was located at [redacted] r, Woodside, New York 11377. She was a frequent visitor in my sister's house, and thus I happened to meet her many times in different occasions. However, I came to learn that she came to [sic] USA illegally in July 1981.

The affidavit states that [redacted] has personally known the applicant since October 1981 because she was a "frequent visitor" at his sister's home located at [redacted] Floor, Woodside, New York. However, the applicant's Form I-687 application indicates that she resided at this address from July 1981 until January 1985. [redacted]'s assertion that the applicant was a frequent visitor at this address draws into question her claim of residence in New York from July 1981 until January 1985. Given this inconsistency, the affidavit is without any probative value as credible evidence of the applicant's continuous residence in the United States since October 1981.

- An affidavit from [redacted], dated August 14, 2004, which, in part, provides:

> I, the undersigned was the owner of the housing property addressed at [redacted] Woodside, New York 11377. [redacted] and her father [redacted] rented a room in the [redacted] from its leaseholder ([redacted] in mid-July 1981. I had

[sic] numbers [sic] of occasions to see [sic] the Legalization Petitioner Miss. [redacted] on the premises indicated where she stayed until January 31, 1985. Besides, [redacted] and her father visited their family friends, on and off, who still stayed on the said apartment until December 1985. The rent for the room occupied by [redacted] and her father [redacted] was $200 per month. I am personally aware of the fact that Miss. [redacted] was only a 12/13 year old girl who came to [sic] USA from Provincia De Eloro, Ecuador accompanied by her father [redacted]

This affidavit is inconsistent with the affidavit from M[redacted] which states that the applicant was just a "frequent visitor" at [redacted] Woodside, New York. [redacted]s indicates that the applicant paid $200/month for rent. However, he fails to provide the source of this information since the applicant did not directly rent the property from him. M[redacted]' testimony would have been given greater weight had he submitted evidence of his ownership of this property. Given these discrepancies, this affidavit can only be afforded minimal weight as probative evidence of the applicant's continuous residence in the United States from July 1981 until December 1985.

- An affidavit from [redacted], Our Lady of Sorrows Church, Corona, New York, dated July 20, 2004. This letter provides:

> . . is a registered parishioner of this church since August 1983. She has been praying her prayers regularly in this church since she registered herself as a parishioner in August 1983. Her registration number is 6453. It is also to say that she is a national from Provincia De Eloro, Ecuador, who is personally known to me to have been residing in the United States since 1981.

The regulations at 8 C.F.R. § 245a.2(d)(3)(v) provide that attestations from churches should state the address where the applicant resided during the membership period and establish how the author knows the applicant. The letter states that the applicant is a registered parishioner since August 1983. However, it does not provide the applicant's addresses during the requisite period. Additionally, this letter does not provide any details on when [redacted] first met the applicant. The letter provides that the applicant is "personally known" to [redacted]y to have been residing in the United States since 1981. This statement does not explain whether [redacted]y actually met the applicant in 1981. Notably, the applicant has not included her affiliation with Our Lady of Sorrows Church on her Form I-687 application. Therefore, this letter is of minimal probative value as evidence of the applicant's continuous residence in the United States since 1981.

- An affidavit from the applicant, in part, attesting to her residence in the United States during the requisite period. Pursuant to 8 C.F.R. § 245a.2(d)(6), to meet her burden of proof, an

applicant must provide evidence of eligibility apart from her own testimony. Therefore, this letter alone is not probative evidence of the applicant's residence in the United States during the requisite period.

On August 25, 2005, the director issued a Notice of Intent to Deny (NOID) to the applicant. The director noted that the applicant did not submit originals of the documents from Otis Parker & Sons, Queens Lincoln Car & Limo Service, Woodhull Medical & Mental Health Center. The director found that the receipt from Queens Lincoln Car & Limo Service is not credible because the area code 718 was not in use on the date the receipt was issued. The director found that the appointment notice from Woodhull Medical & Mental Health Center is a one-sided photocopy without any corroborating evidence of the applicant's appointment at this center. The director noted that the applicant claims she was a telephone receptionist when she was 13 years old, however she never attended school. The director found that the corroborating affidavits are not credible and the affiants do not have direct personal knowledge of the applicant's residency. The director stated that the notarized letter from Otis Parker & Sons contacts a notary stamp and seal of Sandra Waltzman, but has an affixed notary seal of Isabel Reyes. The director noted that the computer font used for the letterhead of the Otis Parker & Sons letter would not have been available on the date that the letter was issued. The director concluded that the applicant failed to submit credible documentation that would constitute by a preponderance of the evidence her residence in the United States during the requisite period.

In response to the NOID, the applicant submitted a written rebuttal, which addresses these discrepancies. The applicant asserts that she unlawfully entered the United States through the Mexican border on July 20, 1981 and has since resided in the United States continuously until May 4, 1988. The applicant states that her original documents were destroyed at Lambada Legal Services, which was located at the former World Trade Center. The applicant claims that the 718 area code has been used in Queens since 1970. The applicant claims that she never attended her appointment at the Woodhull Medical Center. Therefore, she does not have any corroborating documents related to this appointment. The applicant notes that she was 14 years old when she was employed as a telephone receptionist in October 1983. The applicant states that [redacted] is no longer the owner of the property and her father never signed a lease as a sub-tenant. The applicant claims that she met [redacted] in October 1981 and [redacted] in August 1986. Finally, the applicant states that the notary seal from [redacted] was used to emboss the letter from Otis Parker & Sons as a true copy. The applicant states that the Otis Parker & Sons letterhead was printed from a printing press.

The applicant submitted the following additional evidence in response to the NOID:

- A color copy of a photograph entitled, "picture taken at a family gathering in Sandiago [sic]/California May, 1984." The photo shows four women and two men standing outside a house. The applicant has issued an affidavit describing the persons in the photo as herself, her father and [redacted]. The reliability of the date of these photos is based on the applicant's testimony alone. There is no evidence that the photos were dated stamped upon

the date they were taken or developed. For the applicant to meet her burden of proof, she must provide evidence of eligibility apart from her own testimony. 8 C.F.R. § 245a.2(d)(6). Moreover, these photos are copies of originals and therefore are subject to alteration. In judging the probative value and credibility of the evidence submitted, greater weight will be given to the submission of original documentation. *Id.* Given these discrepancies, this photo is of minimal probative value as evidence of the applicant's residence in the United States in May 1984.

- An affidavit from dated September 20, 2005, and a copy of the biographical page of passport. This affidavit, in part, provides:

> I met Miss. at her job place numbers [sic] of times between October 1982 and January 1985. Miss. was about 15 years old when I met her [sic] first time at Otis Parker & Sons in October 1983. I used to get my office supplies and stationeries from Otis Parker & Sons, and on different occasions, when I used to visit the place, I saw Miss. working as a Telephone Receptionist. I got acquainted with pretty much [sic] well after few of visits and thus I found out that her father's name was who was a friend of mine from Zaruma, Ecuador, and in [sic] one occasion, when she visited my residence in the Christmas 1983. . . They returned to New York City in January 1986 and got a living [sic] place addressed at Corona, New York 11368. I know this as a fact because I visited my friend Mr. Manuel several times at the address indicate above between January 1986 and June 1987. I also visited them few times on different occasions at the address , Elmhurst, New York 11373 between July 1987 and December 1988.

The affidavit indicates that first met the applicant at Otis Parker & Sons. As noted above, the applicant has not provided any information on her employment with Otis Parker & Sons on her Form I-687 application. Additionally, a search of the New York Department of State Division of Corporations' database does not provide either an active or inactive listing for Otis Parker & Sons. Furthermore, the affidavit states that visited the applicant at 37-58 101 Street, Corona, New York 11368 between January 1986 and June 1987. However, the applicant's Form I-687 indicates that she was residing in Pompano Beach, Florida from February 1985 until December 1986. Given these discrepancies, this affidavit is not of any probative value as evidence of the applicant's continuous residence in the United States during the requisite period.

- An affidavit from , dated September 19, 2005, and copies of 's New York City Police Department Identification Card and New York City Birth Certificate. This affidavit lists the applicant's addresses during the requisite period. The affidavit provides, "I personally witnessed Miss. [sic] be residing at the addresses listed above. We are very good friends to each other since July 1981. The affidavit states that is the applicant's "ex-roommate & family friend." This affidavit contains

several apparent deficiencies. The affidavit fails to provide any relevant information on Ms. [redacted] first acquaintance with the applicant. Relevant details would include how and where they first met each other. The affidavit also fails to provide any relevant information on M[redacted]'s contact with the applicant during the requisite period. Relevant details would include the type and frequency of contact [redacted] had with the applicant during the requisite period. Therefore, this affidavit is without any probative value as evidence of the applicant's continuous residence in the United States during the requisite period.

- An affidavit from [redacted], dated September 19, 2005, and copies of the biographical page of [redacted]'s United States passport and New York State identification card. This affidavit, in part, provides:

> I used to resided in Woodside, Queens at that time, so at my friend's ([redacted]'s father) request I managed myself to get a room for them to live at: [redacted] Woodside, New York 11377 that was owned by my friend [redacted]. They started to reside at the address stated above on July 25, 1981, and as far as I correctly recall, they resided at that address until January 1985. After they vacated this apartment at the end of January 1985, they relocated themselves in Pompano Beach, Florida where my friend and his daughter got a job in an agricultural farm, name [redacted] I visited them one time (in May 1985) at the address: [redacted], Pompano Beach, Florida 33060 . . . They returned to New York in January 1987. I again found them a room to live at: [redacted], Corona, New York 11368 where they resided between January 1987 and June 1987 paying $250 per month.

This affidavit repeatedly states that the applicant's father is [redacted]'s friend. However, it does not provide any detailed information on how their friendship developed. Relevant details would include how [redacted] first met the applicant's father, the location of where they met, and the date of their first meeting. Additionally, this affidavit does not provide any details on [redacted]'s contact with the applicant during the requisite period. Relevant details would include the type and frequency of contact [redacted] had with the applicant in the United States during the requisite period. The affidavit fails to give detailed information that would serve to corroborate [redacted]'s relationship with the applicant throughout the requisite period. Given these deficiencies, this affidavit is of minimal probative value as evidence of the applicant's continuous residence in the United States during the requisite period.

- A letter from [redacted] notarized in Ecuador on an unknown date, and a copy of his California Driver License. This affidavit, in part, provides:

> Miss V[redacted] is [sic] daughter of my intimate friend M[redacted]. I certainly know this as a fact that both of them came to America illegally by crossing the Tijuana/California borders on July 20, 1981. After crossing the US-Mexican Border on July 20, 1981; they stayed in a local motel for a day, and on July 21, 1981, I personally

> picked them from there and brought them to my home . . . They stayed at my place for a day, and on July 22, 1981 they flew for New York City from the Los Angeles International Airport. I personally took them to the airport on the said day. In between July 1981 and December 1988, I happened to visit New York City for few times for personal business. I also visited my friend [redacted] and his daughter [redacted] at the addresses listed . . .

The affidavit states that [redacted] brought the applicant and her father to his home after they first entered the United States. However, it does not provide the name of the border city or local motel the applicant and her father stayed in when they first entered the United States. As with [redacted]'s affidavit, this affidavit repeatedly states that [redacted] is the applicant's friend. However, it does not provide any detailed information on how their friendship developed. Relevant details would include how [redacted] first met the applicant's father, the location of where they met, and the date of their first meeting. Additionally, this affidavit does not provide any details on [redacted] contact with the applicant during the requisite period. Relevant details would include the type and frequency of contact [redacted] had with the applicant in the United States during the requisite period. The affidavit fails to give detailed information that would serve to corroborate Mr. Escudero's relationship with the applicant throughout the requisite period. Given these deficiencies, this affidavit is of minimal probative value as evidence of the applicant's continuous residence in the United States during the requisite period.

On September 23, 2006, the director denied the application, finding the documentation insufficient to overcome the grounds for denial. The director noted that that the applicant claims she has resided in the United States for 25 years, but needed a Spanish interpreter during the interview. The director found that during her interview, the applicant stated she went to Ecuador from December 21, 1984 until February 9, 1985 and June 16, 1985 until August 29, 1985. The director determined that the applicant is ineligible for temporary resident status pursuant to 8 C.F.R. § 245a.2(h)(l)(i) because these absences exceeded 45 days. The director noted that the applicant's claim that she has never attended school in the United States is not credible since she claimed she first entered the United States at age 14.[5] The director determined that the record does not contain evidence that Otis Parker & Sons was engaged in business during the requisite period. The director noted that the letter from this company indicates that the applicant was a telephone receptionist even though she needed a Spanish translator during her interview. Lastly, the director found that the affidavits from [redacted] and [redacted] do not contain evidence that the affiants were in the United States during the requisite period.

On appeal, counsel for the applicant asserts that the applicant's lack of English proficiency does not make her less credible. Counsel states that the applicant made mistakes on her application

[5] The applicant's date of birth is March 6, 1969 and she claims that she first entered the United States in July 1981. Therefore, she would have been 12 years old at the time of her first entry into the United States.

and testimony regarding her dates of travel. Counsel provides the correct dates as December 29, 1984 to December 9, 1985 and July 16, 1987 to August 26, 1987. Counsel states that the applicant did not attend school. Counsel states that the applicant cannot produce any new evidence regarding Otis Parker & Sons because it is now closed. Counsel notes that the copy of [redacted]'s passport and telephone number were already submitted with his affidavit. Counsel submits [redacted]s phone number and a copy of his Los Angeles County statement for property taxes for the fiscal year July 1, 1976 until June 30, 1977. Counsel also submits Ms. [redacted]'s phone number and resubmits a copy of her City of New York Birth Certificate. It should be noted that evidence of the affiants' identity and presence in the United States does not overcome the stated deficiencies in their affidavits.

Pursuant to 8 C.F.R. § 245a.2(h)(1)(i), an applicant for temporary resident status shall be regarded as having resided continuously in the United States if, at the time of filing of the application, no single absence from the United States has exceeded 45 days, and the aggregate of all absences has not exceeded 180 days between January 1, 1982 through the date the application for temporary resident status is filed, unless the applicant can establish that due to emergent reasons, his or her return to the United States could not be accomplished within the time period allowed. The applicant has given inconsistent testimony regarding any absences she may have had from the United States. At part #32 of the Form I-687 application where applicants are asked to list all of their absences from the United States since entry, the applicant left this part of the application blank. The record shows that during her interview the applicant testified that she had traveled to Ecuador to see her family on December 21, 1984 until February 9, 1985 and June 16, 1985 until August 26, 1985. The applicant's first absence was for a period of 50 days and her second absence was for a period of 71 days. On appeal, counsel for the applicant asserts that the applicant was absent on two occasions from December 29, 1984 until December 9, 1985 and July 16, 1987 until August 26, 1987. Based on these dates, the applicant's first absence was for a period of 345 days and the applicant's second absence was for a period of 41 days. The numerous inconsistencies regarding the applicant's absences from the United States undermine the credibility of her claim of continuous residence in the United States for the requisite period.

The sufficiency of all evidence produced by the applicant will be judged according to its probative value and credibility. 8 C.F.R. § 245a.2(d)(6). The applicant has failed to provide probative and credible evidence of her residence in the United States during the requisite period. The applicant submitted numerous documents, which as noted, are either inconsistent or lack considerable detail. As discussed above, these documents have either no probative value or minimal probative value as evidence of the applicant's continuous residence in the United States during the requisite period. When viewing these documents either individually or within the totality, they do not establish that the applicant's claim is probably true. The applicant has been given the opportunity to satisfy her burden of proof with a broad range of documentary evidence. *See* 8 C.F.R. § 245a.2(d)(3). The applicant's failure to provide sufficient documentary evidence to establish her continuous residence in the United States during the requisite period renders a finding that she has failed to satisfy her burden of proof in this proceeding. *See* 8 C.F.R. § 245a.2(d)(5).

In this case, the absence of credible and probative documentation to corroborate the applicant's claim of continuous residence for the entire requisite period, as well as the inconsistencies and contradictions noted in the record, seriously detract from the credibility of her 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 inconsistencies in the record and the lack of credible supporting documentation, it is concluded that she has failed to establish by a preponderance of the evidence that she 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.