

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

L2

FILE:

MSC 02 155 60864

Office: NEW YORK

Date: MAY 06 2009

IN RE:

Applicant:

APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

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.

John F. Grissom
Acting Chief, Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, New York, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The district director denied the application because the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988 as required by section 1104(c)(2)(B) of the LIFE Act.

On appeal, the applicant reiterated his claim of residence in this country for the requisite period and asserted that he had submitted sufficient evidence in support of such claim. The applicant submitted two additional affidavits in support of his appeal.

Although a Notice of Entry of Appearance as Attorney of Representative (Form G-28) has been submitted, the individual is no longer authorized under 8 C.F.R. §§ 292.1 or 292.2 to represent the applicant. Therefore, this decision will be furnished to the applicant only.

Subsequent to the filing of the appeal, the applicant submitted a letter to the AAO on April 27, 2009 requesting that his Form I-485 LIFE Act application and appeal be withdrawn. Although this request to withdraw the appeal shall be honored, the following facts must be noted.

An applicant for permanent resident status under the LIFE Act 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 May 4, 1988. Section 1104(c)(2)(B) of the LIFE Act; 8 C.F.R. § 245a.11(b).

The applicant made a claim to class membership in a legalization class-action lawsuit and as such, was permitted to file a Form I-687, Application for Temporary Resident Status Pursuant to Section 245A of the Immigration and Nationality Act (Act), on October 13, 1993. In support of his claim of residence in the United States since prior to January 1, 1982, the applicant submitted documentation including original envelopes postmarked December 20, 1981, February 13, 1983, August 2, 1983, and September 12, 1987, respectively. These original envelopes bear Bangladeshi postage stamps and were represented as having been mailed from Bangladesh to the applicant at addresses he claimed as his residences in this country on the date of each respective postmark. A review of the *2009 Scott Standard Postage Stamp Catalogue* Volume 1 (Scott Publishing Company 2008) reveals the following:

The envelopes postmarked December 20, 1981, February 13, 1983, August 2, 1983, and September 12, 1987 all bear at least one of the same stamp each with a value of four takas that commemorates the Chittagong Port in Chittagong, Bangladesh. The stamp bears a stylized illustration of a ship either unloading or loading cargo at a dock. This stamp is listed at page 736 of Volume 1 of the *2009 Scott Standard Postage Stamp Catalogue* as catalogue number [REDACTED]. The catalogue lists this stamp's date of issue as April 22, 1993. These envelopes also

all bear at least one of the same each with a value of six takas that commemorates the Thirteenth South Asian Association for Regional Cooperation Summit in Dhaka, Bangladesh in 2005. The stamp bears stylized illustrations beginning in the upper right corner and moving diagonally to the lower left corner of the following: a group of white birds in flight, the notation SAARC, a rainbow, and the emblem of South Asian Association for Regional Cooperation. This stamp is listed at page 748 of Volume 1 of the *2009 Scott Standard Postage Stamp Catalogue* as catalogue number [REDACTED]. The catalogue lists this stamp's date of issue as December 8, 2004.

- The envelope postmarked September 12, 1987 also bears a stamp with a value of one taka that commemorates an expanded immunization program. The stamp contains a stylized illustration of a baby crawling on all fours. This stamp is listed at page 744 of Volume 1 of the *2009 Scott Standard Postage Stamp Catalogue* as catalogue number [REDACTED]. The catalogue lists the date of issue for this stamp as January 22, 1998.

The fact that envelopes postmarked December 20, 1981, February 14, 1983, August 2, 1983, and September 12, 1987 all bear stamps that were not issued until well after the date of these respective postmarks establishes that the applicant utilized these documents in a fraudulent manner and made material misrepresentations in an attempt to establish his residence within the United States for the requisite period. By engaging in such action, the applicant negated his own credibility as well as the credibility of his claim of continuous residence in this country for the period from prior to January 1, 1982.

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

By filing the instant application and submitting falsified documents, the applicant has sought to procure a benefit provided under the Act through fraud and willful misrepresentation of a material fact. Because the applicant has failed to provide independent and objective evidence to overcome, fully and persuasively, our finding that he submitted a falsified document, we affirm our finding of fraud. Consequently, the applicant is ineligible to adjust to permanent residence under section 1104 of the LIFE Act on this basis.

ORDER: The appeal is dismissed based upon its withdrawal. This decision constitutes a final notice of eligibility.