



U.S. Citizenship  
and Immigration  
Services

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[REDACTED]

FILE:

MSC-05-230-12472

Office: NEW YORK

Date: **AUG 30 2007**

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. 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, New York, and that decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director determined the applicant had not demonstrated that she had continuously resided in the United States in an unlawful status since before January 1, 1982 through the date that she attempted to file a Form I-687, Application for Status as a Temporary Resident, with the Immigration and Naturalization Service or the Service (now Citizenship and Immigration Services or CIS) in the original legalization application period of May 5, 1987 to May 4, 1988. Specifically, the director did not find that the affidavits submitted by the applicant established that she had maintained continuous residence in the United States during the requisite period, as the director found that these affidavits were not credible. Further, the director noted inconsistencies within the record and the applicant's testimony. Therefore, the director determined that the applicant was not eligible to adjust to temporary resident status pursuant to the terms of the CSS/Newman Settlement Agreements and denied the application.

On appeal, the applicant's attorney submits a brief. In this brief, the applicant states that the director erred in her determination that the applicant did not establish by a preponderance of the evidence that she had maintained continuous residence in the United States. The applicant maintains that evidence she previously submitted is credible.

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 Immigration and Nationality Act (Act), 8 U.S.C. § 1255a(a)(2).

An applicant applying for adjustment to temporary resident status must establish that he or she has been continuously physically present in the United States since November 6, 1986. Section 245A(a)(3) of the Act, 8 U.S.C. § 1255a(a)(3) and 8 C.F.R. § 245a.2(b)(1).

Applicants who are eligible for adjustment to temporary resident status are those who establish that he or she entered the United States prior to January 1, 1982, and who have thereafter resided continuously in the United States in an unlawful status, and who 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 presence in accordance with the regulation at 8 C.F.R. § 245a.2(b), "until the date of filing" shall mean until the date the alien attempted to file a completed Form I-687 application and fee or was caused not to timely file, during the original

legalization application period of May 5, 1987 to May 4, 1988, consistent with the class member definitions set forth in the CSS/Newman Settlement Agreements. CSS Settlement Agreement paragraph 11 at page 6; Newman Settlement Agreement paragraph 11 at page 10.

An applicant applying for adjustment of status has the burden of proving by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States under the provisions of section 245A of the Act, and is otherwise eligible for adjustment of status. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. 8 C.F.R. § 245a.2(d)(5).

The "preponderance of the evidence" standard requires that the evidence demonstrate that the applicant's claim is "probably true," where the determination of "truth" is made based on the factual circumstances of each individual case. *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm. 1989). In evaluating the evidence, *Matter of E-M-* also stated that "[t]ruth is to be determined not by the quantity of evidence alone but by its quality." *Id.* Thus, in adjudicating the application pursuant to the preponderance of the evidence standard, the director must examine each piece of evidence for relevance, probative value, and credibility, both individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.

Even if the director has some doubt as to the truth, if the petitioner submits relevant, probative, and credible evidence that leads the director to believe that the claim is "probably true" or "more likely than not," the applicant or petitioner has satisfied the standard of proof. See *U.S. v. Cardozo-Fonseca*, 480 U.S. 421 (1987) (defining "more likely than not" as a greater than 50 percent probability of something occurring). If the director can articulate a material doubt, it is appropriate for the director to either request additional evidence or, if that doubt leads the director to believe that the claim is probably not true, deny the application or petition.

The issue in this proceeding is whether the applicant has furnished sufficient credible evidence to demonstrate that she resided in the United States from prior to January 1, 1982 through the date she attempted to file a Form I-687 application with the Service in the original legalization application period of May 5, 1987 to May 4, 1988. Here, the submitted evidence is not relevant, probative, and credible.

The record shows that the applicant submitted a Form I-687 application and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet, to CIS on May 18, 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 her first address in the United States during the requisite period to be 90-13 [REDACTED] from October 1981 to March 1982. She indicated she then lived at 91-13 [REDACTED] from April 1982 to September 1987. She showed her third and final address during the requisite period to be 360 [REDACTED] from October 1987 to June 1990. At part #32, where the applicant was asked to list all of her absences since January 1, 1982, she indicated that she went

to Guyana to visit family after her mother-in-law died during the month of May 1987. No additional absences were listed. At part #33, where the applicant was asked to list all of her employment since January 1, 1982, she showed that she worked doing odd jobs such as cleaning or selling things in New York, NY. Here, she did not indicate an address associated with her employment.

The record also shows that the applicant submitted a Form I-687 application to establish class membership, which she signed April 26, 1990. Part #33 of this Form I-687 asks the applicant to list her addresses since first entry. Here, the addresses shown during the requisite period are: 90-13 [REDACTED] from October 1981 to April 1982; 91-13 [REDACTED], New York from April 1982 to June 1987; [REDACTED] from June 1987 until the time the applicant signed this Form I-687. It is noted that the dates the applicant indicated she lived at her second and third addresses on this Form I-687 during the requisite period are not consistent with those in her Form I-687 submitted in 2005. Part #34 of this Form I-687 asks the applicant to list organizations and churches of which she is a member. Here, the applicant indicated that she was a member of the Baptist Church in New York, New York from December 1981 until she signed this form in April of 1990. Part #35 of this Form I-687 asks the applicant to list all absences from the United States since January 1, 1982. Here, she shows one absence from May 1, 1987 to May 11, 1987. Part #36 of this application asks the applicant to list her employment since entry. Here, she shows that she worked for two employers during the requisite period. She shows she first worked for a restaurant called Shahenshah as a cashier from November 1981 to May 1985. She then indicates she worked for Great NY Fried Chicken as a cashier from May 1985 until she signed this Form I-687. It is noted that this information regarding the applicant's employment is not consistent with the information provided by the applicant in her subsequently filed Form I-687 where she indicated that she performed odd jobs such as cleaning since her date of entry.

Also in the record is an affidavit of circumstances submitted with the applicant's Form I-687 to establish class membership that is signed on May 20, 1990. Here, the applicant indicates she first entered the United States by boat on October 6, 1981. She also indicates that the only time she left the United States during the requisite period was from May 1, to May 11, 1987. She further indicates that she re-entered with a visa that she had obtained in Guyana.

During her interview with a CIS officer on March 22, 2006, the applicant stated that she worked as a street vendor from 1981 until 1982 and then as a housekeeper from 1982 to the date of her interview. It is noted that this conflicts with the employment history the applicant showed on her Form I-687 submitted in 1990 to establish class membership, where she showed she was a cashier during that time and further submitted affidavits from two restaurants to establish that employment.

The applicant has the burden of proving by a preponderance of the evidence that she has resided in the United States for the requisite period. 8 C.F.R. § 245a.2(d)(5). To meet her burden of proof, an applicant must provide evidence of eligibility apart from her 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).

In an attempt to establish continuous unlawful residence in this country since prior to January 1, 1982, the applicant provided: five (5) affidavits signed in 2006; four (4) affidavits signed in 2005; five (5) affidavits signed in 1990; two (2) employment letters submitted in 1990; ten (10) envelopes; copies of pages of the her passport; and fifty-five (55) copies of rent receipts issued in the name of her spouse.

Details of items submitted by the applicant to establish that she maintained continuous residence in the United States during the requisite period are as follows:

Affidavits submitted in 2006:

- An affidavit from [REDACTED] on letterhead from [REDACTED]. This affidavit was notarized on March 18, 2006. This affidavit states that the affiant has lived in the United States since 1979 and indicates that the applicant and her husband have attended religious services at the affiant's Hindu temple since 1981. It is noted that on the applicant's Form I-687 submitted in 1990 to establish class membership, she indicated that she was a member of the Baptist Church in New York, NY from 1981 to 1990. The affiant's claim that the applicant attended his Hindu Temple when she previously claimed that she was a member of a Baptist Church casts doubt on the credibility of this affidavit.
- An affidavit from [REDACTED] dated March 5, 2006 stating that she has known the applicant since 1981. This affiant claims to have known the applicant since 1981, when she met the applicant while they were both cleaning houses. However, the applicant claimed at her interview that she did not start cleaning houses until 1982. Further, on the applicant's Form I-687 submitted in 1990, she claims that she was working as a cashier at Shahenshah, an Indian restaurant until May of 1985. The affiant's statement that she met the applicant while cleaning houses in 1981 is not consistent with other documents in the record and therefore doubt is cast on the credibility of this affidavit.
- An affidavit from [REDACTED] dated March 6, 2006 stating that the affiant knows that the applicant has cleaned apartments since 1983. The affiant does not indicate that he has personal knowledge that the applicant has maintained continuous residence in the

United States during the requisite period. He does not indicate how he knows that the applicant cleans houses or how he met the applicant. The affiant does not present evidence that he was in the United States during the requisite period. Further, information in this affidavit conflicts with information provided by the applicant in her Form I-687 submitted to establish class membership in 1990 in which she indicated that she was a cashier at Shahenshah, an Indian restaurant from November 1981 to May 1985. Therefore, doubt is cast on the credibility of this affidavit.

- An affidavit from [REDACTED] stating that the applicant is married to the affiant's cousin. The affiant goes on to say that the applicant works cleaning houses. The affiant does not indicate an address at which it is personally known to him that the applicant lived during the requisite period. The applicant also does not offer evidence that he was in the United States during the requisite period. Further, the affiant's statement that the applicant worked cleaning houses since shortly after she arrived in the United States conflicts with information provided in the applicant's Form I-687 submitted in 1990 to establish class membership, where she indicated that she was a cashier at Shahenshah restaurant from November 1981 to May 1985 and with an affidavit from that restaurant stating the same. Therefore, doubt is cast on the credibility of this affidavit.
- An affidavit from [REDACTED] stating that she met the applicant in 1982. This affidavit also states that the applicant cleans houses and apartments and that is her full time employment. The affiant does not indicate an address at which it is personally known to her that the applicant lived at any point during the requisite period. The affiant also does not offer evidence that she was in the United States during the requisite period. Further, the affiant's statement that the applicant worked cleaning houses since shortly after she arrived in the United States conflicts with information provided in the applicant's Form I-687 submitted in 1990 to establish class membership, where she indicated that she was a cashier at Shahenshah, an Indian restaurant from November 1981 to May 1985 and with an affidavit from that restaurant stating the same. Therefore, doubt is cast on the credibility of this affidavit.

Affidavits submitted in 2005:

- An affidavit from [REDACTED] provides that she has known the applicant since 1981. The affiant states that she has personal knowledge that the applicant has resided in the United States during the requisite period. The affiant provides addresses for the applicant during the requisite period that are consistent with those provided by the applicant in her Form I-687, submitted in 2005 pursuant to the CSS/Newman settlement. However, dates associated with residences are not consistent with those shown on the applicant's Form I-687, submitted to establish class membership in 1990. The affiant provides her address at the time she signed her notarized affidavit on December 2, 2005 as well as her social security number and a copy of her naturalization certificate.

- An affidavit from [REDACTED] provides that he has known the applicant since 1981. The affiant states that he has personal knowledge that the applicant has resided in the United States during the requisite period. The affiant provides addresses for the applicant during the requisite period that are consistent with those provided by the applicant in her Form I-687, submitted in 2005 pursuant to the CSS/Newman settlement. However, dates associated with residences are not consistent with those shown on the applicant's Form I-687, submitted to establish class membership in 1990. The affiant provides his address at the time he signed his notarized affidavit on December 2, 2005 as well as his social security number and a copy of his naturalization certificate.
- An affidavit from [REDACTED] provides that she has known the applicant since 1981. The affiant states that she has personal knowledge that the applicant has resided in the United States during the requisite period. The affiant provides addresses for the applicant during the requisite period that are consistent with those provided by the applicant in her Form I-687, submitted in 2005 pursuant to the CSS/Newman settlement. However, dates associated with residences are not consistent with those shown on the applicant's Form I-687, submitted to establish class membership in 1990. The affiant provides her address at the time she signed her notarized affidavit on December 2, 2005 as well as her social security number and a copy of her naturalization certificate.
- An affidavit from [REDACTED] provides that she has known the applicant since 1981. The affiant states that she has personal knowledge that the applicant has resided in the United States during the requisite period. The affiant provides addresses for the applicant during the requisite period that are consistent with those provided by the applicant in her Form I-687, submitted in 2005 pursuant to the CSS/Newman settlement. However, dates associated with residences are not consistent with those shown on the applicant's Form I-687, submitted to establish class membership in 1990. The affiant provides her address at the time she signed her notarized affidavit on December 6, 2005 as well a copy of her birth certificate.

Affidavits submitted in 1990:

- An affidavit from [REDACTED] who says she met the applicant because they went to the same school in Guyana. This affiant provides addresses at which she states the applicant was living during the requisite period. However, the affiant did not submit evidence that she was in the United States during the requisite period. Therefore, doubt is cast on whether the affiant has personal knowledge that the applicant maintained continuous residence in the United States during the requisite period. Further, the affiant provides addresses for the applicant during the requisite period that are not consistent with those provided by the applicant in her Form I-687, submitted in 2005 pursuant to the CSS/Newman settlement. However, dates associated with residences are consistent with those shown on the applicant's Form I-687, submitted to establish class membership in 1990.

- An affidavit submitted by [REDACTED] who says she met the applicant because the applicant is her brother's friend. This affiant provides addresses at which she states the applicant was living during the requisite period. However, the affiant did not submit evidence that she was in the United States during the requisite period. Therefore, doubt is cast on whether the affiant has personal knowledge that the applicant maintained continuous residence in the United States during the requisite period. Further, the affiant provides addresses for the applicant during the requisite period that are not consistent with those provided by the applicant in her Form I-687, submitted in 2005 pursuant to the CSS/Newman settlement. However, dates associated with residences are consistent with those shown on the applicant's Form I-687, submitted to establish class membership in 1990.
- An affidavit submitted by [REDACTED] who states he met the applicant in Guyana, where they became friends. This affiant provides addresses at which he states the applicant was living during the requisite period. However, the affiant did not submit evidence that he was in the United States during the requisite period. Therefore, doubt is cast on whether the affiant has personal knowledge that the applicant maintained continuous residence in the United States during the requisite period. Further, the affiant provides addresses for the applicant during the requisite period that are not consistent with those provided by the applicant in her Form I-687, submitted in 2005 pursuant to the CSS/Newman settlement. However, dates associated with residences are consistent with those shown on the applicant's Form I-687, submitted to establish class membership in 1990.
- An affidavit submitted by [REDACTED] who says that rent receipts for [REDACTED] [REDACTED] are in his name. It is noted that the applicant submitted rent receipts in 2005 indicating rent for this same address was received by [REDACTED]. The name [REDACTED] does not appear on any of these receipts. This casts doubt on the credibility of this affidavit and of the rent receipts submitted by the applicant as they contain conflicting information.
- An affidavit submitted by [REDACTED] who states that rent receipts for 91-13 [REDACTED] [REDACTED] from April 1982 to June 1987 are all in her name. It is noted that the applicant submitted rent receipts in 2005 indicating rent for this same address was received by [REDACTED]. The name [REDACTED] does not appear on any of these receipts. This casts doubt on the credibility of this affidavit and of the rent receipts submitted by the applicant as they contain conflicting information.
- A photocopy of a letter from Crossland Savings dated July 19, 1990 stating that the applicant's husband opened an account for her on December 6, 1981. Though this letter states that the applicant's husband opened a trust account for the applicant, it does not establish that she was present in the United States during the requisite period. Therefore

minimal weight is given to this letter as evidence of the applicant's continuous residence in the United States during the requisite period.

Two employment verification letters submitted in 1990:

- An employment letter from [REDACTED] This letter is dated May 20, 1990 on letterhead that indicates it is from a restaurant in Sunnyside, New York. This letter is notarized and states that the applicant was employed as a cashier at this restaurant from October 1981 to May 1985. This letter is signed by [REDACTED] This letter does not indicate whether company records were referred to in determining the applicant's employment dates with this restaurant.
- An employment letter from Great N.Y. Fried Chicken. This letter was notarized on September 16, 1991 and states that the applicant, referred to as a male, worked for this restaurant from May 1985 until the date the letter was signed by [REDACTED] who indicates he is the president of Great N.Y. Fried Chicken. This letter does not state in what the capacity the applicant was employed, nor does it state whether official company records were used to determine the applicant's dates of employment.

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 two employment letters submitted by the applicant do not include addresses for the applicant, do not indicate whether or not the information was taken from the official company records, do not indicate where the records are located or whether the Service may have access to the records. Because these letters are found lacking in detail they can be given minimal weight. Further, though information in these affidavits is consistent with what employment indicated by the applicant on her Form I-687 signed in 1990 to establish class membership, they conflict with employment information as indicated on her Form I-687 submitted in 2005 pursuant to the CSS/Newman settlement agreement. On her 2005 Form I-687 the applicant indicated that she has always worked doing odd jobs. Because these affidavits provide evidence that contradicts information provided on the applicant's Form I-687 and on affidavits submitted in 2005 and 2006 regarding the applicant's

employment, doubt is cast on the applicant's having truthfully represented her employment during the requisite period.

Copies of pages of the applicant's passport [REDACTED] issued by the government of Guyana to Mrs. [REDACTED]. This passport is relevant to the requisite period. Submitted pages are as follows:

- Page four (4) of this passport indicates that it was issued to the applicant by the passport office of Guyana on September 3, 1980 and that it expires September 2, 1985.
- Page five (5) of this passport indicates that the Chief Passport Officer in the Republic of Guyana renewed this passport on July 25, 1986. The presence of this stamp in the applicant's passport indicates that the applicant renewed her passport in Guyana. It therefore appears that the applicant was in Guyana in July of 1986. The applicant indicated both Forms I-687 in the record that her only absence from the United States during the requisite period occurred from May 1 to May 11, 1987. The presence of this stamp in the applicant's passport, which indicates she was absent from the United States in July of 1986, casts doubt on whether the applicant fully and completely represented her absences on her Forms I-687.
- Page nine (9) of this passport shows a multiple entry B-2 visa was issued to the applicant by the United States embassy in Georgetown Guyana on September 4, 1986. It is noted that the presence of this stamp in the applicant's passport indicates that she was in Guyana in September of 1986. The applicant indicated on her Forms I-687 that her only absence from the United States during the requisite period occurred from May 1 to May 11, 1987. The presence of this stamp in the applicant's passport, which indicates that she was absent from the United States during the month of September of 1986, casts doubt on whether the applicant fully and completely represented her absences on her Forms I-687.
- Page eleven (11) of this passport shows the applicant entered the United States on May 11, 1987 in New York.

Copies of fifty-five (55) rent receipts:

- Receipts from April 15, 1982 to September 15, 1987 indicate that payment was received from [REDACTED] for rent of 91-13 [REDACTED]. These receipts are signed by [REDACTED]. It is noted that the applicant submitted a Form I-687 submitted to establish class membership 1990 in which she indicated that she only lived at this particular address until June of 1987. This receipt is not consistent with the information in that Form I-687 or with the affidavit from [REDACTED], which indicates all rent receipts associated with this address at the time the applicant was residing there are in her name.

- Receipts dated October 15, 1987 to June 15, 1990 indicate they are for rent payments of [REDACTED] which was received by [REDACTED]. These receipts are signed by [REDACTED]. These receipts are not consistent with the affidavit from [REDACTED] which indicates that all rent receipts at the time the applicant was residing there are in his name.
- Receipts of the same color and size using the same font were used by two different landlords for both addresses, which are located in different states.
- Though not analyzed by forensic experts, the handwriting on the unnumbered receipts for both residences appears similar.

A letter documenting medical records:

- A letter signed by [REDACTED] on letterhead from [REDACTED] dated June 19, 1990. This letter states that the doctor's records indicate that the applicant was treated at the [REDACTED] [sic] for "various medical problems" on the following dates during the requisite period:
  - December 16, 23 and 30, 1981;
  - April 5 and July 26, 1982;
  - May 10, September 5, and September 12, 1983;
  - January 28, March 25 and July 30, 1984;
  - October 3, 1985;
  - May 24 and June 13, 1986
  - September 30, 1987;
  - April 8, 1988

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 of 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 fails to provide medical records showing the medical treatment of the applicant. The letter also fails to indicate the source of information [REDACTED] referred to in order to obtain the applicant's dates of treatments.

Although the letter form [REDACTED] provides some information regarding his knowledge of the applicant's presence in the United States on various dates during the requisite period, it alone does not satisfy the applicant's burden of proof of establishing by a preponderance of the evidence that she maintained continuous residence during the requisite period. This letter can only be afforded minimal value as probative evidence because it lacks considerable detail.

Ten (10) envelopes addressed to the applicant as follows:

- An envelope mailed to [REDACTED] at 90-13 [REDACTED] postmarked December 10, 1981 from Brooklyn, New York. This was sent metered mail for eighteen (18) cents. There is no return address.
- An envelope mailed to [REDACTED] at 90-13 [REDACTED] postmarked December 11, 1981 from Brooklyn, New York. This was sent metered mail for eighteen (18) cents. There is no return address.
- An envelope mailed to [REDACTED] at 90-13 [REDACTED] postmarked December 20, 1981 from Brooklyn, New York. This was sent metered mail for eighteen (18) cents. There is no return address.
- An envelope mailed to [REDACTED] at 90-13 [REDACTED] postmarked December 20, 1981 from Long Island, New York. This was sent with an eighteen (18) cent stamp featuring a bird and reading "Save Woodland Habitats." There is no return address. It is noted that the issue date of this stamp is June 26, 1981.
- An envelope mailed to [REDACTED] at 90-13 [REDACTED] postmarked December 26, 1981 from Brooklyn, New York. This was sent using an eighteen (18) cent stamp that pictures [REDACTED] on a blue background and reads, Professional Management. The return address is for [REDACTED] at 90-23 [REDACTED]. It is noted that the issue date of this stamp is June 18, 1981.
- An envelope mailed to [REDACTED] at 90-13 [REDACTED] postmarked December 26, 1981 from Brooklyn, New York. This was sent using a fifteen (15) cent stamp that pictures [REDACTED], sitting behind a desk on a light green background and reads, Black Heritage. The return address is for [REDACTED] at 90-23 [REDACTED]. It is noted that the issue date of this stamp is January 30, 1981.
- An envelope mailed to [REDACTED] at 91-13 [REDACTED] postmarked November 27, 1982 from Brooklyn, New York. This was sent metered mail for twenty (20) cents. The return address is [REDACTED] NY.
- An envelope mailed to [REDACTED] at 91-13 [REDACTED] postmarked June 20, 1983 from Brooklyn, New York. This was sent metered mail for twenty (20) cents. There is no return address.
- An envelope mailed to [REDACTED] at 91-13 [REDACTED] postmarked July 20, 1983 from Brooklyn, New York. This was sent metered mail for twenty (20) cents. There is no return address.

- An envelope mailed to [REDACTED] at 91-13 [REDACTED] postmarked April 17, 1986 from Brooklyn, New York. This was sent metered mail for twenty-two (22) cents. There is no return address.

Though these envelopes were sent to the applicant during the requisite period, they alone do not establish that she maintained continuous residence in the United States during the requisite period.

Thus, on the application, which the applicant signed under penalty of perjury, she showed that she resided continuously in the United States from before January 1, 1982 throughout the requisite period, with only one absence during that time that occurred during the month of May, 1987. To establish this, the applicant submitted affidavits in 2005 and then again in 2006 in response to the director's NOID. However, when the director contacted affiants [REDACTED] and [REDACTED], she found that they could not verify information contained in the affidavits they had signed. Therefore, the director found that these affidavits were not credible, nor were they amenable to verification. The director further noted that during the applicant's interview, she was unable to respond to questions regarding employment because of medications she was taking. It is noted that the record does not contain evidence of that the applicant is currently taking medication. The director also noted that the applicant claimed both during her interview and on her Form I-687 that her only absence during the requisite period occurred during the month of May of 1987. However, the applicant stated and the record shows that the applicant both renewed her passport in Guyana in July of 1986 and also obtained a visa from the United States Embassy in Guyana in September 1986, indicating that the applicant did not fully and completely represent all of her absences during the requisite period either during her interview or on her Form I-687.

In denying the application the director noted the above.

While not indicated in the director's Notice of Decision, it is of note that the applicant also submitted fifty-five receipts for rent paid during the requisite period. These receipts indicate that rent was received from the applicant's husband. However, previously submitted affidavits indicate that all rent receipts for the applicant's residences during the requisite period should have been issued to [REDACTED] and [REDACTED]. These inconsistencies within the record cast doubt on the remaining evidence submitted by the applicant in an attempt to establish that she continuously resided in the United States during the requisite period.

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).

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. *Matter of Ho*, 19 I&N Dec. 582, 591 (BIA 1988).

On appeal the applicant attempts to explain these contradictions. She submits a brief stating that though the Service called the affiants who submitted affidavits, the Service did not interview them properly. The applicant further states that the director erred in her determination that the applicant did not establish by a preponderance of the evidence that she had maintained continuous residence in the United States. The applicant maintains that evidence she previously submitted is credible. However, these statements alone, submitted without additional evidence do not overcome the evidence in the applicant's passport that establishes that the applicant did not fully and completely disclose her absences from the United States. Further, this brief does not overcome the fact that the applicant has submitted both rent receipts issued to her husband, [REDACTED] and affidavits from two individuals stating that all rent receipts for residences at which the applicant resided during the requisite period were issued to them, [REDACTED] and [REDACTED] rather than to the applicant or her husband. Lastly, this brief does not address the applicant's inability to recall her places of employment during the requisite period. Because there is conflicting evidence in the record regarding her employment during this period, this is significant.

In summary, the applicant has not provided any credible contemporaneous evidence of residence in the United States relating to the 1981-88 period, and has submitted conflicting attestations from individuals concerning that period. She did not submit any additional evidence to establish that she had maintained continuous residence in the United States with her appeal.

The regulation at 8 C.F.R. § 245a.2(d)(6) states that the sufficiency of all evidence produced by the applicant will be judged according to its probative value and credibility. Here, the evidence produced by the applicant is neither probative nor credible.

The absence of sufficiently detailed 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 applicant's contradictory statements on her applications and her reliance upon documents with minimal probative value and those that conflict with other documents in the record, it is concluded that she has failed to establish continuous residence in an unlawful status in the United States from prior to January 1, 1982 through the date he attempted to file a Form I-687 application 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.