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FILE: [REDACTED]
MSC-04-317-10194

Office: NEW YORK Date: NOV 12 2008

IN RE: Applicant: [REDACTED]

APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT: SELF-REPRESENTED

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. You no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case. If your appeal was sustained or remanded for further action, you will be contacted.

A handwritten signature in black ink, appearing to read "R. Wiemann".

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 director of the New York office. 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 failed to submit sufficient documentation to overcome the grounds for denial described in the Notice of Intent to Deny (NOID). Specifically, the director noted that the applicant had indicated that he first began residing in the United States in 1985.

On appeal, the applicant states that he has resided in the United States since before January 1982 and has submitted documents as evidence. He states that, during his long period of unlawful status, he had no documents to rent a house and have the utility bills in his name. Therefore, he shared all bills in the name of roommates. He states that he never thought that evidence proving that he stayed in the United States would be necessary and, because of his frequent moves, the records could not be preserved. He has no knowledge of immigration matters, and his friend made mistakes in filling out the immigration forms. He went to Florida to find a better job, but came back after about three months when he did not find anything better. He states that, if required, he will provide testimony of a friend with whom he stayed in Florida.

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 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 Supplement to Citizenship and Immigration Services (CIS) on August 12, 2004. At part #30 of the Form I-687 application where applicants were asked to list all residences in the United States since first entry, the applicant listed the following addresses during the requisite period: [REDACTED] Long Island City, New York from October 1981 to April 1986; and [REDACTED] l., Astoria, New York from May 1986 to October 1989. At part #32 where applicants were asked to list all absences from the United States since entry, the applicant listed only a trip to Bangladesh to visit family from April to June 1987. At part #33 where applicants were asked to list all employment in the United States since entry, the applicant listed daily laborer positions with the following employers in New York during the requisite period: [REDACTED] from December 1981 to February 1986; Deluxe Home Improvements from March 1982 to April 1983;

[REDACTED] from June 1983 to February 1985; and [REDACTED] Co. from June 1986 to December 1991.

In an attempt to establish continuous unlawful residence in this country since prior to January 1, 1982, the applicant provided multiple attestations.

The applicant submitted a form affidavit from [REDACTED] of Pompano, Florida, which states that the affiant's company has employed the applicant in agricultural labor between May 1, 1985 and May 1, 1986. This information appears to be inconsistent with the Form I-687, where the applicant failed to list any agricultural employment. In addition, this affidavit does not conform to regulatory standards for letters from employers as stated in 8 C.F.R. § 245a.2(d)(3)(i). Specifically, the affidavit does not include the applicant's address at the time of employment, whether or not the information was taken from official company records, where the records are located, and whether CIS may have access to the records. Due to these deficiencies, this affidavit will be given only nominal weight in determining whether the applicant has established that he resided in the United States throughout the requisite period.

The applicant provided a notarized declaration from [REDACTED], which states that the applicant stayed with the declarant "during his time of employment at Cook Farms." This declaration fails to specifically state that the applicant resided in the United States during the requisite period. In addition, it lacks detail regarding when the applicant was employed at Cook Farms, and whether he resided in the United States during that time. In addition, this declaration appears to be inconsistent with the Form I-687, where the applicant failed to indicate he was employed at Cook Farms. As a result of these deficiencies, this declaration will be given only nominal weight in determining whether the applicant has established that he resided in the United States throughout the requisite period.

The applicant provided a notarized declaration dated April 26, 1993 from an individual identified as [REDACTED]" This declaration states that the applicant has been working with [REDACTED] doing general labor since June 1986. This is somewhat inconsistent with the Form I-687, which indicates that the applicant ended his employment with [REDACTED] in 1991, rather than in 1993. This inconsistency casts some doubt on the affiant's knowledge of the applicant's activities and, as a result, on his ability to confirm that the applicant resided in the United States during the requisite period. In addition, this declaration does not conform to regulatory standards for letters from employers as stated in 8 C.F.R. § 245a.2(d)(3)(i). Specifically, the declaration does not include the applicant's address at the time of employment, whether or not the information was taken from official company records, where the records are located, and whether CIS may have access to the records. As a result of these deficiencies, this declaration will be given only nominal weight in determining whether the applicant has established that he resided in the United States throughout the requisite period.

The applicant submitted an affidavit from [REDACTED], which states that the applicant lived as a co-tenant with the affiant at the [REDACTED] address from April 1983 to March 1985. The

affiant stated that the rent receipts and household bills were in his name, but the applicant contributed towards the payment of rent and household bills. Although he indicated that household bills were in his name, the affiant failed to provide copies of such bills or provide an explanation for his inability to obtain that documentation. In addition, this affidavit is inconsistent with the applicant's Form I-687, where he indicated that he resided at the [REDACTED] address from May 1986 to October 1989. This inconsistency casts doubt on the affiant's ability to confirm that the applicant resided in the United States during the requisite period.

The applicant provided a notarized declaration from [REDACTED] Vice-President of [REDACTED] Construction Company, Inc. This declaration states that the declarant has known the applicant since 1981. This declaration fails to specifically state that the applicant resided in the United States during the requisite period. In addition, it fails to mention the applicant's employment with [REDACTED] Construction Company, Inc. as listed on the Form I-687 application. This casts some doubt on the applicant's claim of employment and, as a result, on his related claim to have resided in the United States throughout the requisite period. Due to these deficiencies, this declaration will be given only nominal weight in determining whether the applicant has established that he resided in the United States throughout the requisite period.

The applicant submitted a notarized declaration from [REDACTED] which states that the applicant lived with the declarant at the [REDACTED] address from November 1981 to December 1991 by sharing rent, electricity, gas bills, and other utility bills. This declaration lacks detail regarding when, where and how the declarant met the applicant, and how they came to be living together. This declaration is also inconsistent with the information provided on the applicant's Form I-687, where he indicated that he resided at the [REDACTED] address from May 1986 to October 1989. This inconsistency casts doubt on the declarant's ability to confirm that the applicant resided in the United States during the requisite period.

The applicant provided a notarized declaration dated May 15, 1993 from the President and the Secretary of Baitul Mukarram Masjid and Islamic Center, whose names are illegible. The declaration states that the applicant has "a great contribution" towards the development of the Islamic center since December 1984. This declaration fails to specifically state that the applicant resided in the United States during the requisite period. In addition, the declaration does not conform to regulatory standards for attestations by churches, unions, or other organizations as stated in 8 C.F.R. § 245a.2(d)(3)(v). Specifically, the declaration does not state the address where the applicant resided during the membership period, does not establish how the author knows the applicant, and does not establish the origin of the information being attested to. Due to these deficiencies, this declaration will be given only nominal weight in determining whether the applicant has established that he resided in the United States throughout the requisite period.

The applicant provided a notarized, undated declaration from [REDACTED] which states that the declarant has known the applicant since 1983. The declaration states that the declarant has personal knowledge that the applicant left the United States to visit his relatives in April 1985 and returned in July 1985. This declaration fails to specifically confirm that the applicant resided in the United

States during the requisite period, although it does indicate that the applicant was present in the United States in April and July 1985. This declaration also lacks detail regarding when, where, and how the declarant met the applicant, and the basis of his personal knowledge of the applicant's activities. Therefore, this declaration will be given only nominal weight in determining whether the applicant has established that he resided in the United States throughout the requisite period.

The applicant submitted a notarized declaration from [REDACTED], which indicates that the declarant met the applicant in Brooklyn, New York in 1982 at a community social function. This declaration fails to state that the applicant resided in the United States during the requisite period. It merely indicates that the applicant was present in the United States at some time in 1982. Therefore, it will be given some weight in establishing that the applicant was present in the United States at some time in 1982.

The applicant provided similar employment letters from [REDACTED] and [REDACTED]. The notarized declaration from [REDACTED] states that the applicant worked for Deluxe Home Improvements as a construction helper from March 15, 1982 to April 26, 1983. The notarized declaration from [REDACTED] states that the applicant has been working for [REDACTED] as a construction worker from June 22, 1983 to February 10, 1985. These declarations do not conform to regulatory standards for letters from employers as stated in 8 C.F.R. § 245a.2(d)(3)(i). Specifically, the declarations do not include the applicant's address at the time of employment, whether or not the information was taken from official company records, where the records are located, and whether CIS may have access to the records. As a result, these declarations will be given only nominal weight in determining whether the applicant has established that he resided in the United States throughout the requisite period.

The applicant provided a form declaration from [REDACTED], which states that the declarant met the applicant in 1976 at a family party. Mr. [REDACTED] stated that he was living in Bangladesh when the applicant moved to the United States, and the applicant came to the declarant and told him that he was going to the United States. Therefore, he knows that the applicant came to the United States before January 1, 1982. The declarant stated that sometimes he and the applicant talked over the phone, and the applicant told him that he was trying to adjust his status between 1987 and 1988. This declaration indicates that the declarant lacks first-hand knowledge of the applicant's residence in the United States during the requisite period. In addition, the declaration lacks detail regarding the date that the applicant entered the United States, the region where he resided during the requisite period, and the nature and frequency of the declarant's contact with the applicant. Due to these deficiencies, this declaration will be given only nominal weight in determining whether the applicant has established that he resided in the United States throughout the requisite period.

The applicant submitted a form declaration from [REDACTED], which states that the declarant met the applicant in 1961 at a family party. The declarant indicated that he was in Bangladesh when the applicant went to the United States. The declarant stated that the applicant told him that he was going to the United States and this is how the declarant knows that the applicant entered the United States before 1982. The applicant requested the help of the declarant before he left for the United

States in 1981. The declarant also stated that the applicant contacted him after the declarant's arrival in the United States, in 1988. This declaration indicates that the declarant lacks first-hand knowledge of the applicant's residence in the United States during the requisite period. In addition, the declaration lacks detail regarding the date that the applicant entered the United States, the region where he resided during the requisite period, and the nature and frequency of the declarant's contact with the applicant. Due to these deficiencies, this declaration will be given only nominal weight in determining whether the applicant has established that he resided in the United States throughout the requisite period.

The applicant provided a form declaration from [REDACTED] which states that the applicant told the declarant that he entered the United States before 1982. The declarant stated that he entered the United States in July 1984 and he met the applicant in 1984 at a market in Coney Island. The declarant stated that he and the applicant would get together, go shopping, enjoy movies, and have talks about the applicant's legalization problems. This declaration fails to specifically state that the applicant resided in the United States during the requisite period. It also lacks detail regarding the declarant's frequency of contact with the applicant and the region where the applicant resided during the requisite period. Considering these deficiencies, the declaration will be given only nominal weight in establishing that the applicant resided in the United States at some time in 1984.

The applicant provided a form declaration from [REDACTED] which states that the declarant met the applicant at a playground in 1978. The declarant stated that he was in Bangladesh when the applicant moved to the United States, and he knows this was before 1982 because the applicant told him that he was moving to the United States. The declarant stated that he first entered the United States in 1997 and that the applicant visited him at that time. The declarant indicated that he lacks first-hand knowledge of the applicant's residence in the United States during the requisite period. He failed to provide detail regarding the region where the applicant resided and the nature and frequency of their contact, if any, during the requisite period. Due to these deficiencies, this declaration will be given only nominal weight.

The applicant provided an affidavit from [REDACTED], which states that the affiant went with the applicant in July 1987 to the legalization office. This affidavit merely indicates that the applicant was present in the United States in July 1987, but fails to confirm that he resided there during the requisite period. The affidavit also fails to include details regarding the region where the applicant resided and the nature and frequency of the affiant's contact with the applicant during the requisite period. Therefore, this affidavit will be given only nominal weight in establishing that the applicant resided in the United States during the requisite period.

The applicant submitted an affidavit from [REDACTED] in which he stated that he has known the applicant since 1981. The affiant stated that he has personal knowledge that the applicant left the United States in April 1987 to visit his family in Bangladesh and returned in June 1987. This affidavit fails to state that the applicant resided in the United States at any time other than in April and June 1987. In addition, the affiant failed to provide detail regarding the

applicant's dates of residence in the United States, the region where he resided, and the nature and frequency of their contact during the requisite period. Therefore, this affidavit will be given only nominal weight in establishing that the applicant resided in the United States during the requisite period.

The applicant submitted a declaration from [REDACTED], manager of [REDACTED]. The declaration states that the applicant worked under the management of the contracting company as a part-time helper from December 1981 to February 1986. This declaration does not conform to regulatory standards for letters from employers as stated in 8 C.F.R. § 245a.2(d)(3)(i). Specifically, the declaration does not include the applicant's address at the time of employment, whether or not the information was taken from official company records, where the records are located, and whether CIS may have access to the records. Therefore, this declaration will be given only nominal weight in establishing that the applicant resided in the United States during the requisite period.

The affidavit from [REDACTED] states that the affiant met the applicant in January 1982 and "she has been acquainted in the United States." The affiant provided address information for the applicant in the United States that is consistent with the information listed on the applicant's Form I-687. The affiant stated that she is able to determine the date of the beginning of her acquaintance with the applicant because she first met the applicant in the rented house of a relative in February 1982. She stated that the applicant resided with her in the same apartment and that they went shopping, shared cultural activities and had discussions. The affiant stated that the longest period during the described period of residence in which she has not seen the applicant is April 26, 1987 to June 18, 1987 when the applicant was outside of the United States visiting his family in Bangladesh. This affidavit is somewhat internally inconsistent in that it first indicates the affiant met the applicant in January 1982 and later indicates that they met in February 1982. In addition, the affiant failed to indicate the dates and address where she resided with the applicant during the requisite period. She also failed to specifically state that the applicant resided in the United States throughout the requisite period. Due to these limitations, this affidavit only constitutes some limited evidence that the applicant resided in the United States from February 1982 until the end of the requisite period.

The form declaration from [REDACTED] indicates that the declarant met the applicant in New York but fails to state the year when they met. The declarant indicated that he knows that the applicant came to the United States before 1982 because the applicant told him so. He stated that the applicant approached him in January 1982 for a job, and told the declarant that he entered the United States in 1981. The declarant stated that they have always been associates on friendly terms. This declaration fails to specifically state that the applicant resided in the United States at any time other than in January 1982. In addition, it lacks detail regarding the region where the applicant resided, and the nature and frequency of his contact with the declarant during the requisite period. As a result of these deficiencies, this declaration will be given only nominal weight in establishing that the applicant resided in the United States during the requisite period.

The form declaration from [REDACTED] indicates that the declarant entered the United States in July 1984. She stated that the applicant is a very good family friend, that they always get together at parties, and that he came to her and told her “everything to visit at United State.” She stated that she knows he entered the United States before 1982. She stated that they shop together, enjoy movies, and talk on different matters. She stated that she has known the applicant since 1984. This declaration lacks detail regarding the nature and frequency of the declarant’s contact with the applicant in the United States, and the region where the applicant resided during the requisite period. In addition, this declaration appears to be internally inconsistent, in that it both indicates that the declarant was a family friend who was told about the applicant’s plans to enter the United States prior to 1982, and also indicates that the declarant has only known the applicant since 1984. This inconsistency casts doubt on the declarant’s ability to confirm the applicant’s residence in the United States during the requisite period.

The undated form declaration from [REDACTED] states that the declarant met the applicant at a restaurant in New York in 1986. The declarant knows that the applicant entered the United States before 1982 because the applicant told him this. The declarant stated that he knows that the applicant continuously resided in the United States since that time, and that the applicant talked to him over the phone sometimes since his entrance into the United States. This declaration appears to be internally inconsistent in that it indicates that the declarant met the applicant in 1986 and also that he talked on the phone sometimes with the applicant since his entry to the United States prior to 1982. This declaration lacks detail regarding the frequency of the declarant’s contact with the applicant since 1986. Due to these deficiencies, this declaration carries only nominal weight in establishing that the applicant resided in the United States from 1986 to the end of the requisite period.

The form declaration from [REDACTED] states that the declarant met the applicant in Dhaka in 1977 at a party. The declarant stated that the applicant “is known to me from my boyhood.” This is inconsistent with the identity documentation provided for the declarant, which indicates that the declarant is female. The declarant stated that she knows about the applicant’s entrance into the United States before 1982 because he visited her and told her about it at the time of his departure. The declarant indicated that she entered the United States in 1988. This declaration fails to specifically state that the applicant resided in the United States during the requisite period, other than at some time prior to January 1, 1982. The declaration also lacks detail regarding the nature and frequency of the declarant’s contact with the applicant during the requisite period. As a result of these deficiencies, this declaration carries only nominal weight in establishing that the applicant resided in the United States during the requisite period.

The form declaration from [REDACTED] indicates that the declarant met the applicant at a wedding party at “his business place” in 1972. This information appears to be somewhat inconsistent with the fact that the applicant was born in 1960 and would have been twelve years old in 1972. The declarant stated that the applicant is his relative and arranged an event that the declarant attended and came to know that the applicant was going to the United States before 1982. After the applicant entered the United States, he talked to the applicant over the telephone and the applicant

explained his entrance to the United States. The declarant stated that he entered the United States in 1981 and the applicant has associated with him from time to time. This declaration fails to specifically state that the applicant resided in the United States at any time other than prior to 1982. In addition, it lacks detail regarding the nature and frequency of the declarant's contact with the applicant. As a result of these deficiencies, this declaration carries only nominal weight in establishing that the applicant resided in the United States during the requisite period.

The form declaration from [REDACTED] states that the declarant met the applicant in 1976 at a family party. The declarant stated that the applicant came to his house and said he was going to the United States. Therefore, the declarant knows that the applicant entered the United States before 1982. The declarant stated that he entered the United States in 1990 and after that time the applicant met with him "now and then." This declaration fails to specifically state that the applicant resided in the United States at any time during the requisite period other than prior to 1982. It also lacks detail regarding the nature and frequency of the applicant's contact with the declarant during the requisite period. As a result of these deficiencies, this declaration carries only nominal weight in establishing that the applicant resided in the United States during the requisite period.

The form declaration from [REDACTED] states that the declarant met the applicant in Dhaka in 1972 "during shopping." The declarant knew that the applicant entered the United States because the applicant told him this. The declarant stated that he and the applicant sometimes worked together "since 1982." The declarant also stated that he entered the United States in 1998. The declarant's claims to have sometimes worked with the applicant "since 1982" and to not have entered the United States until 1998 would appear to contradict the applicant's claim to have resided continuously in the United States during the requisite period. In addition, this declaration fails to specifically state that the applicant resided in the United States at any time other than before 1982. Lastly, the declaration fails to provide any detail regarding the nature and frequency of the declarant's contacts with the applicant during the requisite period. Therefore, this declaration carries only nominal weight in establishing that the applicant resided in the United States during the requisite period.

The applicant submitted a declaration dated March 1, 2006 from [REDACTED], general secretary of the Bangladesh Society Inc. New York. The declaration states that the applicant is a regular member of this organization and "is found on examination that he kept his membership continued since 1982 till [sic] to date without any break. He has been subscribing [sic] his fees regularly. Furthermore, he attended almost all the events of the Society." The declarant also stated that the organization came to learn that the applicant came to the United States prior to 1982. This information is inconsistent with the applicant's Form I-687 where he failed to list the Bangladesh Society Inc. when asked to list all affiliations or associations. In addition, this declaration does not conform to regulatory standards for attestations by churches, unions, or other organizations as stated in 8 C.F.R. § 245a.2(d)(3)(v). Specifically, the declaration does not state the address where the applicant resided during the membership period, does not establish how the author knows the applicant, and does not establish the origin of the information being attested to. Considering these

deficiencies, this declaration will be given only minimal weight in establishing that the applicant resided in the United States during the requisite period.

The declaration from [REDACTED] states that the declarant has known the applicant since 1982. The declarant stated that the applicant came to him for assistance in getting employment and later came to him on several occasions, and that they met at social functions, events and religious festivities. The declarant stated that he came to learn that the applicant went to Bangladesh for a short time and "returned and joined to work." This declaration fails to specifically state that the applicant resided in the United States during the requisite period. The declarant failed to indicate that his contact with the applicant occurred in the United States or that the contact occurred during the requisite period. The declarant failed to provide details regarding his frequency of contact with the applicant in the United States during the requisite period. Considering these deficiencies, this declaration will be given only nominal weight in establishing that the applicant resided in the United States during the requisite period.

The declaration from [REDACTED] states that he met the applicant in 1982 immediately after his arrival in the United States. They met at the house of a common friend. The declarant stated that he knows that the applicant left for Bangladesh for a short time, came back, and kept in contact with him. This declaration fails to specifically state that the applicant resided in the United States at any time other than in 1982 and the time immediately surrounding the applicant's trip to Bangladesh. The declaration also lacks detail regarding the nature and frequency of the declarant's contact with the applicant during the requisite period. Considering these deficiencies, this declaration will be given only minimal weight in establishing that the applicant resided in the United States during the requisite period.

The record contains an additional Form I-687 application signed by the applicant on October 12, 1991 under penalty of perjury and submitted to establish class membership pursuant to the CSS/Newman Settlement Agreements. At part #16 where the applicant was asked when he last came to the United States, the applicant stated, "July 3, 1985." This information is inconsistent with the current Form I-687, where the applicant indicated that his only absence from the United States during the requisite period occurred in 1987. This inconsistency casts doubt on the information provided by the applicant and on his claim to have resided in the United States throughout the requisite period. At part #33 where the applicant was asked to list all residences in the United States since his first entry, the applicant listed [REDACTED] in Pompano Beach, Florida from November 1985 to March 1986; and [REDACTED] in Astoria, New York from April 1983 to March 1985 and May 1986 to present. The applicant's failure to provide an address for the periods from before January 1, 1982 to April 1983 and from March to November 1985 casts serious doubt on the applicant's claim to have resided in the United States throughout the requisite period. In addition, this information is inconsistent with the current Form I-687, where the applicant did not list a Florida address, listed a Long Island City address, and listed different dates of residence for the [REDACTED] address. At part #36 where the applicant was asked to list employment in the United States since first entry, the applicant listed farm labor with [REDACTED] from November 1985 to March 1986 and general labor for [REDACTED] from June 1986 to

present. This information is also inconsistent with the current Form I-687, which lists employment with [REDACTED], Deluxe Home Improvements, and [REDACTED] and fails to list employment with [REDACTED]. These inconsistencies cast additional doubt on the applicant's claim to have resided in the United States throughout the requisite period.

The record includes a Biographic Information Form G-325A signed by the applicant on May 5, 2002 under severe legal penalties for knowingly falsifying or concealing a material fact. Where the applicant was asked to list his last address outside the United States of more than one year, the applicant indicated that he resided in Bangladesh from December 1960, the month and year of his birth, to July 1985. This information casts serious doubt on the applicant's claim to have resided in the United States throughout the requisite period.

In denying the application the director concluded that the applicant had failed to submit sufficient documentation to overcome the grounds for denial described in the NOID. Specifically, the director noted that the applicant had indicated that he first began residing in the United States in 1985.

On appeal, the applicant states that he has resided in the United States since before January 1982 and has submitted documents as evidence. He states that, during his long period of unlawful status, he had no documents to rent a house and have the utility bills in his name. Therefore, he shared all bills in the name of roommates. He states that he never thought that evidence proving that he stayed in the United States would be necessary and, because of his frequent moves, the records could not be preserved. He has no knowledge of immigration matters, and his friend made mistakes in filling out the immigration forms. He went to Florida to find a better job, but came back after about three months when he did not find anything better. He states that, if required, he will provide testimony of a friend with whom he stayed in Florida. The explanations provided by the applicant are found to be insufficient to overcome the inconsistencies raised by the director. It is incumbent upon the applicant to resolve any inconsistencies in the record by independent objective evidence. Any attempt to explain or reconcile such inconsistencies will not suffice unless the applicant submits competent objective evidence pointing to where the truth lies. *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). The applicant failed to provide independent, objective evidence to explain and overcome the inconsistencies raised by the director.

In summary, the applicant has submitted attestations that fail to specifically confirm that he meets the residency requirements for temporary resident status, lack sufficient detail, fail to conform to regulatory standards, or are internally inconsistent or inconsistent with other documents provided by the applicant. The applicant also submitted two forms that he signed under warning of severe penalties for false information, which directly contradict his claim of continuous residence in the United States throughout the requisite period. The absence of 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 contradictions between the applicant's Form I-687 and the documents he submitted, the contradictions between other documents he provided and his claim of continuous residence, 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.