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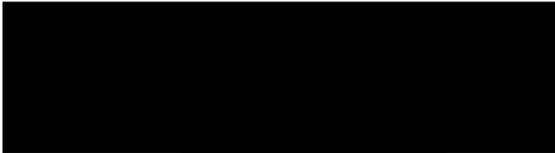
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20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE: [REDACTED] Office: SEATTLE (TUKWILA) Date: **SEP 18 2008**  
MSC-05-288-14112

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 District Director, Seattle. The decision is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The applicant submitted a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (Act), and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet. The director determined that the applicant had not established by a preponderance of the evidence that he had continuously resided in the United States in an unlawful status for the duration of the requisite period. Specifically, the director stated that because his office did not find affidavits submitted by the applicant to be verifiable or credible, the evidence in the record did not allow the applicant to meet his burden of proof. Therefore, the director determined the applicant was not eligible to adjust to temporary resident status pursuant to the CSS/Newman Settlement Agreements and denied the application.

On appeal, the applicant noted that the director stated in his decision that information from one of his affiants was verified. He submits additional evidence in support of his application.

An applicant for Temporary Resident Status must establish entry into the United States before January 1, 1982, and continuous residence in the United States in an unlawful status since such date and through the date the application is filed. Section 245A(a)(2) of the Act, 8 U.S.C. § 1255a(a)(2). The applicant must also establish that he or she has been continuously physically present in the United States since November 6, 1986. Section 245A(a)(3) of the Act, 8 U.S.C. § 1255a(a)(3). The regulations clarify that the applicant must have been physically present in the United States from November 6, 1986 until the date of filing the application. 8 C.F.R. § 245a.2(b)(1).

For purposes of establishing residence and physical presence under the CSS/Newman Settlement Agreements, the term “until the date of filing” in 8 C.F.R. § 245a.2(b) means until the date the applicant attempted to file a completed Form I-687 application and fee or was caused not to timely file during the original legalization application period of May 5, 1987 to May 4, 1988. CSS Settlement Agreement paragraph 11 at page 6; Newman Settlement Agreement paragraph 11 at page 10.

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

Although the regulation at 8 C.F.R. § 245a.2(d)(3) provides an illustrative list of contemporaneous documents that an applicant may submit in support of his or her claim of continuous residence in the United States in an unlawful status since prior to January 1, 1982, the submission of any other relevant document is permitted pursuant to 8 C.F.R. § 245a.2(d)(3)(vi)(L).

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

Even if the director has some doubt as to the truth, if the applicant submits relevant, probative, and credible evidence that leads the director to believe that the claim is “probably true” or “more likely than not,” the applicant has satisfied the standard of proof. *See U.S. v. Cardozo-Fonseca*, 480 U.S. 421, 431 (1987) (defining “more likely than not” as a greater than 50 percent probability of something occurring). If the director can articulate a material doubt, it is appropriate for the director to either request additional evidence or, if that doubt leads the director to believe that the claim is probably not true, deny the application or petition.

At issue in this proceeding is whether the applicant has submitted sufficient credible evidence to meet his burden of establishing continuous unlawful residence in the United States during the requisite period. Here, the applicant has failed to meet this burden.

The record contains three Forms I-687 as follows:

The applicant submitted a Form I-687 application and a Form I-687 Supplement, CSS/Newman Class Membership Worksheet, to Citizenship and Immigration Services (CIS) July 15, 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 stated his address in the United States during the requisite period was [REDACTED] in San Jose, California from November 1981 until October 1991. At part #32 where the applicant was asked to list all of his absences from the United States, he indicated that he was absent once during the requisite period when he went to Canada from September 30, 1987 to October 30, 1987. At part #33, where the applicant was asked to list all of his employment in the United States since he first entered, he did not indicate that he was employed in the United States prior to October 1991.

Also in the record is a second Form I-687 application that is not signed or dated. The applicant listed his address of residence and his absence from the United States consistently with what he

indicated on his 2005 Form I-687. At part #36 of this Form I-687, where the applicant was requested to state his employment, he indicated that he was self-employed. Here, he did not indicate his occupation, dates associated with his employment or wages received.

The third Form I-687 application in the record was submitted August 9, 1990 to establish class membership. At part #33 of this Form I-687 application the applicants was asked to list his residences in the United States, the applicant stated his addresses in the United States during the requisite period were [REDACTED] in Turlock, California from November 1981 until September 1987 and then [REDACTED] also in Turlock, from November 1987 until the date he submitted this Form I-687. At part #35 where the applicant was asked to list all of his absences from the United States, he indicated that he was absent once during the requisite period when he went to Canada from September 30, 1987 to November 30, 1987. At part #33, where the applicant was asked to list all of his employment in the United States since he first entered, he stated that he worked as a dishwasher for no wages from January 1987 until the date he submitted his Form I-687.

The applicant's statements in his three Forms I-687 are not consistent. The applicant has stated that he resided in Turlock, California for the duration of the requisite period on his Form I-687 submitted in 1990 and then in San Jose for the duration of the requisite period on his two other Forms I-687. He has not stated the dates of his absence from the United States consistently. This is significant because his Form I-687 submitted in 1990 indicates that he was absent for 61 days, which could constitute a break in his continuous residence, while the other Forms I-687 indicate that this absence was only for 30 days. The applicant has also not been consistent when listing his employment. These inconsistencies cast doubt on the applicant's claim to have resided continuously in the United States for the duration of the requisite period.

Doubt cast on any aspect of the applicant's proof may, of course, 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. 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 has the burden of proving by a preponderance of the evidence that he has resided in the United States for the requisite period. 8 C.F.R. § 245a.2(d)(5). To meet his burden of proof, an applicant must provide evidence of eligibility apart from his own testimony. 8 C.F.R. § 245a.2(d)(6). The regulation at 8 C.F.R. § 245a.2(d)(3) provides an illustrative list of documentation that an applicant may submit to establish proof of continuous residence in the United States during the requisite period. This list includes: past employment records; utility bills; school records; hospital or medical records; attestations by churches, unions or other organizations; money order receipts; passport entries; birth certificates of children; bank books; letters or correspondence involving the applicant; social security card; selective service card; automobile receipts and registration; deeds, mortgages or contracts; tax receipts; and insurance

policies, receipts or letters. An applicant may also submit any other relevant document pursuant to 8 C.F.R. § 245a.2(d)(3)(vi)(L).

The regulation at 8 C.F.R. § 245a.2(d)(3)(v) states in pertinent part that attestations by churches, unions or other organizations can be considered credible proof of residence if such documents: identify the applicant by name; are signed by an official whose title is shown; show inclusive dates of membership; state the address where the applicant resided during his or her membership period; include the seal of the organization impressed on the letter or the letterhead of the organization, if the organization has letterhead stationary; establish how the author knows the applicant; and establish the origin of the information being attested to.

Here, the applicant submitted voluminous documentation in support of his claim that he resided continuously in the United States for the duration of the requisite period. Details of this evidence are as follows:

1. Documents pertaining to the former [REDACTED] business as follows:

- A declaration from the law offices of [REDACTED] and [REDACTED] that is dated August 24, 1987. This declaration states that the [REDACTED] farmed from 1983 until 1985. The declarants go on to say that because of a financial situation, the [REDACTED] were forced to file for Chapter 11 bankruptcy on October 11, 1985. The law offices state that the [REDACTED] employed workers both before and after filing for bankruptcy.
- An affidavit from [REDACTED] that was notarized on July 23, 1987. The affiant states that the [REDACTED] began farming in 1981 and documents the business financial history through 1987.
- A statement of financial affairs for a debtor engaged in business for [REDACTED] that is dated March 18, 1986.
- Legal documents pertaining to the [REDACTED] debt, including an affidavit from [REDACTED] that is dated October 11, 1985 and states that [REDACTED] has advised the [REDACTED] to file for bankruptcy.
- A letter from the Farmer's Insurance Group that is dated June 9, 1999. This letter states that [REDACTED] and [REDACTED] sustained a loss on June 7, 1999. This letter was signed by [REDACTED] who indicates that he was the branch claims supervisor of the fire insurance exchange branch of Framers Insurance. This letter was submitted with a "Proof of Loss" form that indicates that Mr. and Mrs. [REDACTED] suffered a fire in their home on June 7, 1999. This form was notarized on August 12, 1999. It is noted that the applicant also submitted other documents pertaining to this incident.

2. Affidavits, declarations and other evidence from [REDACTED] and the [REDACTED] as follows:
- Two employment affidavits from [REDACTED] that were notarized on July 11, 2001 and were signed by [REDACTED]. Collectively in these affidavits, the affiant states that his records indicate that the applicant and his family worked for him in 1984 and 1985. Specifically, he states that the applicant, who was paid in cash, worked from April 6, 1984 to June 7, 1984 and then from June 23, 1985 to July 7, 1985. The affiant states that there are no check stubs or print outs available to confirm the applicant's dates of employment.
  - Photocopies of weekly time cards issued to the applicant allegedly on May 17, 1984; June 7, 1984; June 23, 1985; and July 7, 1985 by [REDACTED]. It is noted that these timecards were completed on "Rediform 4X409." Part of the identifying marks on the form have been blacked out with a pen. However, in his Notice of Intent to Deny (NOID), the Interim District Director of Seattle stated that the version of these cards that his office received showed the date and type of these time cards as, "1998 Rediform 4X409." When the director denied the applicant's Form I-485 Application to Register Permanent Resident or Adjust Status on December 11, 2003, he noted that his office received these timecards as well. However, when his office received them, he noted that the applicant had neglected to black out the identifying marks on one of the time cards. The director went on to state that time card that had its identifying marks intact showed that the form was published in 1998. Therefore, grave doubt is cast on this evidence, as the time cards that indicate they were issued in 1984 and 1985 could not have been issued on those dates because the form they are written on did not exist during those years.
  - An affidavit from [REDACTED] that was notarized on July 23, 1987. The affiant states that he is the managing partner of [REDACTED]. He states that [REDACTED] began farming in 1981. He states that the business filed for bankruptcy in 1985.
  - An affidavit from [REDACTED] that was notarized on November 5, 2002. The affiant states that in 1984 and 1985 the applicant and his wife and children resided at the affiant's ranch. He states that she provided them with housing since they were his employees. The letterhead on this affidavit indicates that the mailing address of the ranch is in Livingston, California. The affiant does not state where the ranch is located or specify the dates that the applicant resided at the ranch. However, it is noted that the applicant did not indicate that he worked for this affiant on any of his Forms I-687. It is also noted that the applicant has stated that he resided in Turlock, California and in San Jose, California on his three Forms I-687. It is noted that on other documents this affiant has indicated that [REDACTED] was located in Livingston, California. However, the applicant did not indicate that he resided at a

ranch in Livingston or at any particular address of residence for only the years 1984 and 1985 on any of his Forms I-687.

- An employment affidavit signed by [REDACTED] of [REDACTED] and notarized on November 5, 2002. The affiant states that the applicant worked for him during the 1984 and 1985 agricultural seasons. He states that he previously submitted weekly time cards for this employment, which ended on July 7, 1985. He states that though these weekly time cards were submitted on forms which were not created until 1998, he submitted them because he “ran out” of the old edition. He asserts that the fact that she used new weekly time cards does not indicate that he did not have previous written proof of the employment records for the applicant. He claims he completed the weekly time cards after consulting records which have since been destroyed in a fire. With this affidavit, the affiant submits a letter from Farmers Insurance that refers to a loss and reimbursement for the loss. This letter was previously noted. It is dated June 9, 1999 and is signed by [REDACTED], who indicates he is a Fire Contents Specialist.
  - An affidavit from [REDACTED] that was notarized on July 29, 2003. The affiant states that the applicant and his wife and son worked for him from April 6, 1984 to June 7, 1984 and then from May 18, 1985 until July 7, 1985. He asserts that though he used forms printed in 1998 to produce weekly time cards for the applicant, his house caught fire in August 1998 and therefore he printed the new cards from memory because the older cards were destroyed in the fire. It is noted that this affiant has submitted documents that indicate that his house suffered fire damage in June of 1999. The affiant states that his bookkeeper passed away and asserts that he has not lied to CIS. This affiant states that the applicant worked for him for only six months of the requisite period. This affiant has previously stated that the applicant resided on his ranch during that period of work. However, this is not consistent with the applicant’s Forms I-687. Further, the affiant has stated that he has a distant memory of the applicant working for him, yet he provides very precise dates of the applicant’s employment more than 20 years ago. It is also noted that in this same affiant’s affidavit from July 11, 2001, he stated that the applicants work in 1985 was from June 23 to July 7, casting doubt on the accuracy of statements made regarding the applicant’s dates of employment here.
3. A photocopy of a registered letter sent to the applicant at [REDACTED] in Milpitas, California. This photocopy is of such quality that it cannot be determined when the letter was sent. Further, the applicant did not indicate that he resided at this address during the requisite period. Therefore, this document carries no weight as evidence that the applicant resided in the United States during the requisite period.
  4. An affidavit from [REDACTED] that was notarized on July 13, 2001. The affiant states that he first met the applicant in India. However, he asserts that he first saw the

applicant in the United States at the Fremont Sikh Temple in the United States in 1984. He goes on to say that he began to socialize with the applicant on some occasions after that time. However, the affiant fails to indicate the frequency with which he saw the applicant during the requisite period or to state whether there were periods of time during the requisite period when he did not see the applicant.

5. An affidavit from [REDACTED] that was notarized in Vancouver on August 15, 2001. The affiant states that he is a citizen of Canada. He states that he knows that the applicant and his family have resided in the United States since November 1981. He states that he visited the applicant several times since 1981. However, the affiant fails to state when he visited the applicant or to indicate whether those visits occurred during the requisite period.
6. Photocopies of United States Forms 1040 completed by the applicant's wife, [REDACTED] for the years 1983, 1985, 1987, and 1988. Ms. [REDACTED] indicates that she was single with no dependants and that she resided on Casio Street in Los Angeles, California during those years. These forms also indicate that [REDACTED] was self employed. It is noted that other documents in the record indicate that [REDACTED] was married to the applicant, that they resided together in San Jose, California from 1981 to 1991, and that they resided together on a ranch in 1984 and 1985 and were farmers. Because these forms pertain to the applicant's wife rather than to the applicant they carry no weight as evidence that he resided in the United States during the requisite period. Further, doubt is cast on these documents, as information regarding the applicant's wife's marital status during the requisite period, her status as a parent, her employment and her address of residence is not consistent with other documents in the record.
7. An affidavit from [REDACTED] that was notarized on October 16, 2003. The affiant states that he first saw the applicant at the Fremont Sikh temple in 1984 and has known the applicant and his family since that time. However, the affiant does not state the frequency with which he saw the applicant during the requisite period or indicate whether there were periods of time during the requisite period when he did not see the applicant.
8. The applicant's Social Security Earnings Statement. This statement indicates that the applicant had earnings in the United States from 1990 to 2000. Because this statement does not indicate that the applicant had earnings in the United States during the requisite period, it carries no weight as evidence that he resided in the United States during the requisite period.
9. Two affidavits from [REDACTED] that were notarized on August 20, 1990. One of these affidavits was re-notarized on July 3, 2001. The affiant states that the applicant resided with him on [REDACTED] in San Jose, California from November 1981 until the date he signed his affidavit. In the affidavit, the affiant also states that the applicant was absent from the United States from September 20, 1987 until October 30, 1987.

10. An affidavit from [REDACTED] that was notarized on August 7, 1990. The affiant states that he has personal knowledge that the applicant traveled to Canada between September 30, 1987 and November 30, 1987. It is noted that this constitutes an absence of more than 45 days. The affiant further states that the applicant resides on [REDACTED] in Turlock, California. It is noted that the applicant's Form I-687 submitted in 2005 does not indicate that the applicant ever resided in Turlock.
11. An affidavit from the [REDACTED] in Fremont, California that was notarized on July 9, 2001 and is signed by [REDACTED], who indicates he is the Gurdwara's General Secretary. The affiant states that the applicant regularly visited the Gurdwara beginning in 1981. However, [REDACTED] did not state the applicant's inclusive dates of membership, provide the applicant's address of residence during his membership period, state how he knows the applicant or indicate how he became aware of the date that the applicant began to attend the Gurdwara. Because this letter is lacking with regards to the criteria the regulation at 8 C.F.R. § 245a.2(d)(3)(v) states letters from churches must adhere to, minimal weight can be accorded to this letter as proof that the applicant resided in the United States for the duration of the requisite period.
12. An affidavit of circumstances signed by the applicant on August 9, 1990. On this form, the applicant states that he was absent from the United States from September 30 until November 30, 1987 when he went to Canada because of a family illness. This constitutes a period of 61 days, which would constitute a break in his continuous residence during the requisite period.

It is noted that the applicant also submitted evidence as proof of his residence in the United States subsequent to the requisite period. The issue in this proceeding is whether the applicant has submitted sufficient evidence to prove that he resided continuously in the United States during the requisite period. Evidence that he resided in the United States subsequent to that period is not relevant and is therefore, not discussed here.

The director issued a Notice of Intent to Deny (NOID) to the applicant on August 10, 2006. In the NOID, the director stated that though the applicant submitted affidavits in support of his application, those affidavits lacked detailed and contradicted other evidence in the record. The director further stated that it appeared that some evidence submitted by the applicant had been altered or manufactured. Therefore, the director stated that the applicant failed to meet his burden of proving that he either maintained continuous residence continuous physical presence in the United States for the corresponding requisite periods. The director granted the applicant 30 days within which to submit additional evidence in support of her application.

In response to the NOID, the applicant submitted the following additional evidence for consideration:

1. A letter from the applicant's counsel dated August 8, 2008. Counsel states that he has been retained by the applicant.
2. A letter from the applicant that is dated September 7, 2006. The applicant states that he is providing two additional documents for consideration in support of his application.
3. An affidavit from [REDACTED] that was notarized on August 21, 2006. The affiant states that [REDACTED] has shown the affiant his NOID. The affiant goes on to state that [REDACTED] requested that the affiant supply him with employment records from [REDACTED] for 1984 and 1985. He states that there was a fire in his home which destroyed his records. However, he states that he distantly remembers that [REDACTED] and his family worked at the farm in the summer of 1984 and 1985. He goes on to say that though the dates on the employment cards he gave to [REDACTED] may not have been precise, but he asserts that they were reconstructed from other information regarding those seasons. It is noted that this affiant refers to the applicant's son, [REDACTED] rather than the applicant in this affidavit. Though the affiant refers to "[REDACTED]'s family," he does not specify the names of the individuals in the family. Because this affidavit does not clearly contain testimony that is relevant to the applicant, very minimal weight can be accorded to this affidavit as evidence of the applicant's residence in the United States during the requisite period. Further, because this affiant has previously been inconsistent regarding the dates that he employed the applicant, doubt is cast on assertions made by this affiant.
4. An affidavit from [REDACTED] who indicates that he was the General Secretary of the Fremont Gurdwara Sahib from 1987 to 1991. This affidavit is dated August 19, 2006 and was notarized on August 21, 2006. The affiant states that [REDACTED] was a member of the congregation at the Fremont Gurdwara Sahib. Though he provides [REDACTED]'s address of residence at the time of his membership and states that he took part in religious services, the affiant does not state whether the applicant was a member of the congregation or provide testimony that is relevant to the applicant's residence in the United States during the requisite period. Because this affidavit does not contain testimony that is relevant to the applicant's residence in the United States during the requisite period, no weight can be accorded to it as evidence that the applicant resided in the United States during that time.

The director denied the application for temporary residence on January 8, 2007. In denying the application, the director stated that the documents submitted in response to the NOID pertained to the applicant's son rather than to the applicant. The director concluded that therefore, these documents had no probative value to establishing the applicant's eligibility to adjust to temporary resident status. The director noted in his decision that though he verified that [REDACTED] was admitted to the United States in 1981, the affiant failed to submit documentary evidence to support his claim that the applicant resided with him for the duration of the requisite period. Therefore, the director found his testimony unverifiable. Because the applicant failed to

provide relevant evidence in response to the director's NOID, he did not overcome the director's reasons for the denial of the application.

On appeal, the applicant states that the director found that affiant [REDACTED]'s statement was verified. Though the AAO notes that the director's decision stated that his office did verify that [REDACTED] was admitted to the United States in 1981, the director did not state that this affiant's statement regarding the applicant's residence with him was verified.

The applicant submits additional evidence in support of his application as follows:

1. An affidavit from [REDACTED] that is dated February 1, 2007. In this affidavit, [REDACTED] states that the applicant and his wife and son resided with him in San Jose from 1981 until 1991. He goes on to say that the family moved to Washington in 1991 but that he has remained in contact with the applicant since that time. Though the affiant asserts that the applicant resided with him, he does not state whether there were periods of time during the requisite period when he did not see the applicant. Further, it is noted that the applicant submitted an Form I-687 on August 9, 1990 on which he stated that he resided in Turlock, California beginning in November 1981 and that he continued to reside in Turlock on the date he submitted that Form I-687.
2. An affidavit from [REDACTED] that was notarized on February 1, 2007. The affiant states that she has resided in the United States since 1981 and that the applicant and his wife and son resided with her in San Jose, California from 1981 until 1991 after which time they moved to Washington. She states that she remains in contact with the applicant and his family. Though this affiant asserts that the applicant resided with her for the duration of the requisite period, she does not state whether there were periods of time during the requisite period when she did not see the applicant. Further, as was previously noted, the applicant's August 9, 1990 Form I-687 states that the applicant resided in Turlock, California rather than at this affiant's San Jose, California address for the duration of the requisite period. It is further noted that the applicant also submitted an affidavit from [REDACTED] that stated that the applicant resided on his ranch in 1984 and 1985 and another affidavit from [REDACTED] that was notarized in 1990 that states that at that time the applicant was residing in Turlock, California on Logan Lane.
3. An affidavit from [REDACTED] that was notarized on January 31, 2007. The affiant states that he has been a United States Citizen since 1985. He goes on to state that he first met the applicant and is family in India through his father. He goes on to say that the applicant contacted him when he and his family first entered the United States on November 30, 1981. He states that the applicant informed him that he was residing with [REDACTED] in San Jose at that time. He states that he became friends with the applicant at that time. However, the applicant does not state the frequency with which he saw the applicant in the United States during the requisite period or whether there were periods of time when he did not see the applicant.

4. An affidavit from [REDACTED] that was notarized on January 31, 2007. The affiant states that he has been present in the United States since 1986. He goes on to say that he has known the applicant and his family for 20 years and that he first met the applicant at his brother-in-law's house in San Jose, California. He states that he also met the applicant at religious functions. However, he does not state when these functions occurred or the frequency with which he saw the applicant during the requisite period. He states that the applicant moved to Washington in October of 1991. The affiant does not state whether there were periods of time during the requisite period when he did not see the applicant. Further, the applicant stated in his August 9, 1990 Form I-687 that he resided in Turlock, California rather than in San Jose for the duration of the requisite period.

The AAO has reviewed the record and has determined that the applicant has failed to satisfy his burden of proof. He has submitted Forms I-687 that are not consistent regarding the applicant's addresses of residence, his absences from the United States or his employment in the United States. He has submitted weekly time sheets that indicate he was employed during the requisite period. However, CIS has previously determined that the forms used to create these time sheets were not produced until after the requisite period ended. This casts grave doubt on the authenticity of these documents as well as casting doubt on evidence submitted by the applicant in general. The affidavit from [REDACTED] that the applicant submitted to explain this discrepancy states that this affiant has a distant memory of employing the applicant's son. As is noted above, this affidavit was not sufficient to overcome this doubt.

In this case, the inconsistencies in the record, the presence of questionable evidence in the record, and 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 regarding the applicant's address of residence, employment and absences from the United States during the requisite period, seriously detract from the credibility of his 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 he has failed to establish by a preponderance of the evidence that he 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.