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



U.S. Citizenship  
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Services

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FILE: [Redacted]  
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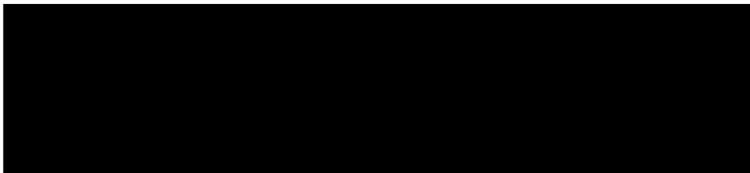
Office: TEXAS SERVICE CENTER

Date: **MAY 04 2010**

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.

IN BEHALF OF APPLICANT:



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.

Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The applicant's temporary resident status was terminated by the Director, Texas Service Center. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed based upon its withdrawal.

The director determined that 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 United States Citizenship and Immigration Services or USCIS) in the original legalization application period between May 5, 1987 to May 4, 1988. Therefore, the director concluded that the applicant was not eligible to adjust to temporary resident status pursuant to the terms of section 245A of the Immigration and Nationality Act (Act) and terminated the applicant's temporary residence.

On appeal, counsel reiterated the applicant's claim of residence in the United States for the requisite period and asserted that she had submitted sufficient evidence to support such claim.

Subsequent to the filing of the appeal, the applicant submitted a letter to the AAO on April 14, 2010 requesting that her Form I-687 application and corresponding appeal be withdrawn. Although this request to withdraw the appeal shall be honored, the following facts must be noted.

An applicant for temporary residence 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) and 8 C.F.R. § 245a.2(b).

The status of an alien lawfully admitted for temporary residence may be terminated at any time if it determined that the alien was ineligible for temporary residence under section 245A of the Act. 8 C.F.R. § 245a.2(u)(1)(i).

An alien 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 record shows that the applicant submitted a Form I-687 application to USCIS on April 27, 2001. In support of her claim of residence in the United States for the requisite period, the applicant submitted supporting documentation including original envelopes postmarked December 8, 1981, December 10, 1981, December 14, 1981, January 8, 1982, February 10, 1982, October 28, 1982, September 15, 1983, November 3, 1983, May 15, 1984, May 21, 1985, October 25, 1985, November 25, 1986, September 8, 1987, and October 28, 1987. The envelopes contain Brazilian postage stamps and were represented as having been mailed from Brazil to the

applicant at addresses in this country including two addresses she claimed as residences during the requisite period. A review of the *2010 Scott Standard Postage Stamp Catalogue Volume 1* (Scott Publishing Company 2009), reveals the following regarding the postage stamps affixed to these envelopes:

- The envelope postmarked December 8, 1981 bears a stamp with a value of two cruzados that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Chorisia crispiflora*. This stamp is listed at page 1088 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2180 A1177. The catalogue lists this stamp's date of issue as December 4, 1989. This envelope also contains two of the same stamp each with a value of twenty cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Cassia macranthera*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2263 A1177. The catalogue lists this stamp's date of issue as May 4, 1990.
- The envelope postmarked December 10, 1981 bears two of the same stamp each with a value of one cruzeiro that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Impatiens specie*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2259 A1177. The catalogue lists this stamp's date of issue as November 8, 1990. This envelope also bears two of the same stamp each with a value of two cruzados that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Chorisia crispiflora*. This stamp is listed at page 1088 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2180 A1177. The catalogue lists this stamp's date of issue as December 4, 1989. The envelope also bears a stamp with a value of twenty cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Cassia macranthera*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2263 A1177. The catalogue lists this stamp's date of issue as May 4, 1990.
- The envelope postmarked December 14, 1981 bears a stamp with a value of one cruzeiro that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Impatiens specie*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2259 A1177. The catalogue lists this stamp's date of issue as November 8, 1990. This envelope also bears a stamp with a value of twenty cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Cassia macranthera*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with

catalogue number 2263 A1177. The catalogue lists this stamp's date of issue as May 4, 1990. The envelope also bears a stamp with a value of fifty cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Clitoria faichildiana*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2262 A1177. The catalogue lists this stamp's date of issue as April 18, 1990.

- The envelope postmarked January 8, 1982 bears a stamp with a value of two cruzados that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Chorisia crispiflora*. This stamp is listed at page 1088 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2180 A1177. The catalogue lists this stamp's date of issue as December 4, 1989. The envelope also bears two of the same stamp each with a value of five cruzados that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Hibiscus trilineatus*. This stamp is listed at page 1088 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2181 A1177. The catalogue lists this stamp's date of issue as December 4, 1989. The envelope also bears a stamp with a value of ten cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Tibouchina granulosa*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2262 A1177. The catalogue lists this stamp's date of issue as April 18, 1990.
- The envelope postmarked February 10, 1982 bears a stamp with a value of two cruzados that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Chorisia crispiflora*. This stamp is listed at page 1088 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2180 A1177. The catalogue lists this stamp's date of issue as December 4, 1989. The envelope also bears two of the same stamp each with a value of ten cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Tibouchina granulosa*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2262 A1177. The catalogue lists this stamp's date of issue as April 18, 1990. The envelope also bears a stamp with a value of twenty cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Cassia macranthera*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2263 A1177. The catalogue lists this stamp's date of issue as May 4, 1990.

- The envelope postmarked October 28, 1982 bears a stamp with a value of two cruzados that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Chorisia crispiflora*. This stamp is listed at page 1088 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2180 A1177. The catalogue lists this stamp's date of issue as December 4, 1989. The envelope also bears two of the same stamp each with a value of twenty cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Cassia macranthera*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2263 A1177. The catalogue lists this stamp's date of issue as May 4, 1990.
- The envelope postmarked September 15, 1983 bears a stamp with a value of one cruzeiro that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Impatiens specie*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2259 A1177. The catalogue lists this stamp's date of issue as November 8, 1990. The envelope also bears a stamp with a value of two cruzados that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Chorisia crispiflora*. This stamp is listed at page 1088 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2180 A1177. The catalogue lists this stamp's date of issue as December 4, 1989. The envelope also bears a stamp with a value of ten cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Tibouchina granulosa*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2262 A1177. The catalogue lists this stamp's date of issue as April 18, 1990. The envelope also bears a stamp with a value of twenty cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Cassia macranthera*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2263 A1177. The catalogue lists this stamp's date of issue as May 4, 1990.
- The envelope postmarked November 3, 1983 bears a stamp with a value of one cruzeiro that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Impatiens specie*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2259 A1177. The catalogue lists this stamp's date of issue as November 8, 1990. The envelope also bears a stamp with a value of one hundred cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Erythrina crista-galli*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue*

with catalogue number 2266 A1177. The catalogue lists this stamp's date of issue as August 24, 1990.

- The envelope postmarked May 15, 1984 bears two of the same stamp each with a value of one cruzeiro that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Impatiens specie*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2259 A1177. The catalogue lists this stamp's date of issue as November 8, 1990. The envelope also bears two of the same stamp each with a value of five cruzados that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Hibiscus trilineatus*. This stamp is listed at page 1088 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2181 A1177. The catalogue lists this stamp's date of issue as December 4, 1989. The envelope also bears a stamp with a value of twenty cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Cassia macranthera*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2263 A1177. The catalogue lists this stamp's date of issue as May 4, 1990.
- The envelope postmarked May 21, 1985 bears a stamp with a value of ten cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Tibouchina granulosa*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2262 A1177. The catalogue lists this stamp's date of issue as April 18, 1990. The envelope also bears two of the same stamp each with a value of twenty cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Cassia macranthera*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2263 A1177. The catalogue lists this stamp's date of issue as May 4, 1990.
- The envelope postmarked October 25, 1985 bears two of the same stamp each with a value of one cruzeiro that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Impatiens specie*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2259 A1177. The catalogue lists this stamp's date of issue as November 8, 1990. The envelope also bears a stamp with a value of two cruzados that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Chorisia crispiflora*. This stamp is listed at page 1088 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2180 A1177. The catalogue lists this stamp's date of issue as December 4, 1989. The envelope also bears a stamp with a value

of five cruzados that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Hibiscus trilineatus*. This stamp is listed at page 1088 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2181 A1177. The catalogue lists this stamp's date of issue as December 4, 1989. The envelope also bears two of the same stamp each with a value of ten cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Tibouchina granulosa*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2262 A1177. The catalogue lists this stamp's date of issue as April 18, 1990.

- The envelope postmarked November 25, 1986 bears two of the same stamp each with a value of two cruzados that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Chorisia crispiflora*. This stamp is listed at page 1088 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2180 A1177. The catalogue lists this stamp's date of issue as December 4, 1989. The envelope also bears two of the same stamp each with a value of fifty cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Clitoria faichildiana*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2262 A1177. The catalogue lists this stamp's date of issue as April 18, 1990.
- The envelope postmarked September 8, 1987 bears three of the same stamp each with a value of two cruzados that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Chorisia crispiflora*. This stamp is listed at page 1088 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2180 A1177. The catalogue lists this stamp's date of issue as December 4, 1989. The envelope also bears three of the same stamp each with a value of ten cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Tibouchina granulosa*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2262 A1177. The catalogue lists this stamp's date of issue as April 18, 1990.
- The envelope postmarked October 28, 1987 bears three of the same stamp each with a value of one cruzado that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Impatiens specie*. This stamp is listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2259 A1177. The catalogue lists this stamp's date of issue as November 8, 1990. The envelope also bears a stamp with a value of fifty cruzeiros that commemorates Indigenous Flora of Brazil. The stamp contains a stylized illustration of the flower, *Clitoria faichildiana*. This stamp is

listed at page 1090 of Volume 1 of the *2010 Scott Standard Postage Stamp Catalogue* with catalogue number 2264 A1177. The catalogue lists this stamp's date of issue as June 1, 1989.

The fact that original envelopes postmarked December 8, 1981, December 10, 1981, December 14, 1981, January 8, 1982, February 10, 1982, October 28, 1982, September 15, 1983, November 3, 1983, May 15, 1984, May 21, 1985, October 25, 1985, November 25, 1986, September 8, 1987, and October 28, 1987 all bear postage stamps that were not issued until well after the date of these postmarks establishes that the applicant utilized these documents in a fraudulent manner and made material misrepresentations in an attempt to establish her residence within the United States for the requisite period. This derogatory information establishes that the applicant made material misrepresentations in asserting her claim of residence in the United States for the period in question and thus casts doubt on her eligibility for adjustment to temporary residence pursuant to section 245A of the Act. By engaging in such an action, the applicant has negated her own credibility, the credibility of her claim of continuous residence in this country for the requisite period, and the credibility of all documentation submitted in support of such claim.

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

The existence of derogatory information that establishes the applicant used the postmarked envelopes cited above in a fraudulent manner and made material misrepresentations seriously undermines the credibility of the applicant's claim of residence in this country for the requisite period, as well as the credibility of the documents submitted in support of such 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. The applicant has failed to submit sufficient credible documentation to meet her burden of proof in establishing that she has resided in the United States since prior to January 1, 1982 by a preponderance of the evidence as required under both 8 C.F.R. § 245a.2(d)(5) and *Matter of E-M-*, 20 I&N Dec. 77 (Comm. 1989).

Given the applicant's reliance upon documents with minimal or no probative value, 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 time she attempted to file for temporary resident status as required under section 245A(a)(2) of the Act. Because the applicant has failed to provide independent and objective evidence to overcome, fully and persuasively, our finding that she submitted falsified documents, we affirm our finding of fraud. The applicant is, therefore, ineligible for temporary resident status under section 245A of the Act. As the applicant has not overcome the grounds for termination of status, the appeal must be dismissed.

A finding of fraud is entered into the record, and the matter will be referred to the United States Attorney for possible prosecution as provided in 8 C.F.R. § 245a.2(t)(4).

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