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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE:



Office: NEW YORK

Date: AUG 20 2008

MSC 02 201 62192

IN RE:

Applicant:



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

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

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

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

Robert P. Wiemann, Chief
Administrative Appeals Office

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

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

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

Subsequent to the filing of the appeal, the applicant submitted a letter to the AAO on July 16, 2008 requesting that his Form I-485 LIFE Act application and appeal be withdrawn. Although this request to withdraw the appeal shall be honored, the following facts must be noted.

An applicant for permanent resident status under the LIFE Act must establish entry into the United States before January 1, 1982 and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. Section 1104(c)(2)(B) of the LIFE Act; 8 C.F.R. § 245a.11(b).

The applicant made a claim to class membership in a legalization class-action lawsuit and as such, was permitted to file a Form I-687, Application for Temporary Resident Status Pursuant to Section 245A of the Immigration and Nationality Act (Act), on October 12, 1990. In support of his claim of residence in the United States since prior to January 1, 1982, the applicant submitted an original postcard postmarked March 14, 1981 and an original envelope postmarked October 10, 1981. The postcard and envelope both contain a single Senegalese postage stamp and were both purportedly mailed to the applicant from Senegal at the address he claimed to have resided on these dates. A review of the *2006 Scott Standard Postage Stamp Catalogue Volume 5* (Scott Publishing Company 2005) reveals the following:

- The stamp on the postcard has a value of fifty-five francs, commemorates the Ferlo Nature Reserve, and contains a stylized illustration of a pair of hands encircling an antelope. This stamp is listed at page 981 of Volume 5 of the *2006 Scott Standard Postage Stamp Catalogue* as catalogue number 715 A223. The catalogue lists this stamp's date of issue as February 5, 1987.
- The stamp on the envelope has a value two hundred francs, commemorates the tenth anniversary of the Paris to Dakar Rally, and contains a stylized illustration of race car, truck, and an individual wearing a multi-colored head wrap. This stamp is listed at page 892 of Volume 5 of the *2006 Scott Standard Postage Stamp Catalogue* as catalogue number 769 A241. The catalogue lists this stamp's date of issue as 1988.

The fact that the postcard and envelope purportedly mailed from Senegal to the applicant in the United States in 1981 both bear stamps that were not issued until 1987 and 1988, respectively, establishes that he utilized these documents in a fraudulent manner and made material misrepresentations in an attempt to establish his residence within the United States for the requisite period. By engaging in such action, the applicant negated his own credibility as well as the credibility of his claim of continuous residence in this country for the period from prior to January 1, 1982.

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

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

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