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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. 3000  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

L2

FILE:

MSC 02 192 61836

Office: GARDEN CITY

Date: FEB 11 2009

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:

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 "J. Grissom".

John F. Grissom, Acting 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, Garden City, New York, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The 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, counsel reiterated the applicant's claim of residence in this country for the requisite period and asserted that the applicant had submitted sufficient evidence in support of such claim. Counsel submitted a receipt from a travel agency in support of the applicant's appeal.

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submitted a letter to the AAO on July 16, 2008 requesting that his Form I-485 LIFE Act application and appeal be withdrawn.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 June 6, 1991. The applicant subsequently filed the Form I-485 LIFE Act application on April 10, 2002.

In support of his claim of continuous residence in the United States since prior to January 1, 1982, the applicant submitted documentation including original envelopes postmarked June 14, 1981, November 2, 1981, April 21, 1982, December 23, 1982, March 4, 1983, July 12, 1984, August 2, 1984, October 4, 1985, November 11, 1986, and February 14, 1987, as well as photocopied envelopes postmarked March 11, 1985, and December 22, 1985, respectively. All of these envelopes bear Pakistani postage stamps and were presented as having been mailed to you from Pakistan at addresses in this country that you claimed as residences during the requisite period. A review of the *2009 Scott Standard Postage Stamp Catalogue Volume 5* (Scott Publishing Company 2008), reveals the following regarding the Pakistani postage stamps affixed to the envelopes:

- The original envelopes postmarked June 14, 1981 and November 2, 1981 both bear the same postage stamp with a value of one rupee that contains the picture of Mohammad Ali Jinnah framed by a multicolor oval. This stamp is listed at page 19 of Volume 5 of the *2009 Scott Standard Postage Stamp Catalogue* as catalogue number [REDACTED]. The catalogue lists this stamp's date of issue as August 14, 1989. These envelopes also bear a different stamp with a value of

three rupees that commemorates the tenth anniversary of the founding of the Center on Integrated Rural Development for Asia and the Pacific (CIRDAP) in 1989. The stamp contains a stylized illustration of fields in the foreground, a background featuring an electrical tower, various buildings, and the sun, and the name of this organization on the bottom. This stamp is listed at page 19 of Volume 5 of the *2009 Scott Standard Postage Stamp Catalogue* as catalogue number [REDACTED]. The catalogue lists this stamp's date of issue as December 31, 1989.

- The envelopes postmarked April 21, 1982, December 23, 1982, March 4, 1983, July 12, 1984, August 2, 1984, and February 14, 1987, all bear at least one of the same postage stamp with a value of one rupee that contains the picture of Mohammad Ali Jinnah framed by a multicolor oval. This stamp is listed at page 19 of Volume 5 of the *2009 Scott Standard Postage Stamp Catalogue* as catalogue number [REDACTED]. The catalogue lists this stamp's date of issue as August 14, 1989.
- The photocopied envelope postmarked March 11, 1985 and the original envelope postmarked October 4, 1985 both bear the same stamp with a value of four rupees that commemorates Himalayan black bears and the World Wildlife Fund (WWF). This stamp contains an illustration of a bear on a slope with the WWF emblem in the upper right corner. This stamp is listed at page 19 of Volume 5 of the *2009 Scott Standard Postage Stamp Catalogue* as catalogue number [REDACTED]. The catalogue lists this stamp's date of issue as September 16, 1989.
- The photocopied envelope postmarked December 22, 1985 bears a stamp with a value of four rupees that commemorates Himalayan black bears and the World Wildlife Fund (WWF). This stamp contains an illustration of a bear on a slope with the WWF emblem in the upper left corner. This stamp is listed at page 19 of Volume 5 of the *2009 Scott Standard Postage Stamp Catalogue* as catalogue number [REDACTED]. The catalogue lists this stamp's date of issue as September 16, 1989.

The fact that original envelopes postmarked June 14, 1981, November 2, 1981, April 21, 1982, December 23, 1982, March 4, 1983, July 12, 1984, August 2, 1984, October 4, 1985, November 11, 1986, and February 14, 1987, as well as photocopied envelopes postmarked March 11, 1985, and December 22, 1985, all bear postage stamps that were not issued until well after the date of each respective postmark establishes that the applicant 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.

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.21(c).

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