



U.S. Citizenship
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[REDACTED]

FILE:

[REDACTED]

Office: DALLAS

Date:

MAY 29 2009

MSC 02 197 63106

IN RE:

Applicant: [REDACTED]

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:

[REDACTED]

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.

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 Director, Dallas, Texas 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, 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, counsel submitted a letter on the applicant's behalf to the AAO on May 1, 2009 requesting that the applicant's Form I-485 LIFE Act application and appeal be withdrawn.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 Act, on December 10, 1990. Subsequently, the applicant filed his Form I-485 LIFE Act application on April 15, 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 February 18, 1981, March 18, 1981, April 20, 1981, June 22, 1981, February 30 [sic], 1982, April 5, 1982, the fifth day of an indeterminate month in 1982, June 7, 1983, August 7, 1983, and October 9, 1983, respectively. These envelopes contain Mexican postage stamps and were represented as having been mailed from Mexico to the applicant at the address in the United States that he claimed as his residence as of the date of these respective postmarks. It must be noted that the date, February 30, does not exist in the modern calendar. A review of the *2009 Scott Standard Postage Stamp Catalogue Volume 2* (Scott Publishing Company 2008), reveals the following regarding the Mexican postage stamps affixed to these envelopes:

- The envelopes postmarked February 16, 1981, April 20, 1981, and June 22, 1981 all bear the same postage stamp with a value of five pesos. This stamp commemorates the one hundredth anniversary of the birth (in 1981) of Alexander Fleming, the Discover of Penicillin, and contains a stylized portrait of Mr. Fleming. This stamp is listed at page 911 of Volume 4 of the *2009 Scott Standard*

Postage Stamp Catalogue as catalogue number [REDACTED] The catalogue lists this stamp's date of issue as August 6, 1981.

- The envelope postmarked March 18, 1981 bears a stamp with a value of five pesos that commemorates the one hundredth anniversary of the birth (in 1981) of artist Pablo Picasso. This stamp contains a stylized portrait of Pablo Picasso and is listed at page 911 of Volume 4 of the *2009 Scott Standard Postage Stamp Catalogue* as catalogue number [REDACTED] The catalogue lists this stamp's date of issue as October 5, 1981.
- The envelopes postmarked February 30 [sic], 1982 and the fifth day of an indeterminate month in 1982 both bear the same stamp with a value of fourteen pesos. This stamp commemorates Alfonso Garcia Robles, 1982 Nobel Peace Prize Winner, and contains a stylized portrait of Mr. Robles over a gold olive branch. This stamp is listed at page 912 of Volume 4 of the *2009 Scott Standard Postage Stamp Catalogue* as catalogue number [REDACTED] The catalogue lists this stamp's date of issue as December 10, 1982.
- The envelope postmarked April 5, 1982 bears a stamp with a value of seven pesos that commemorates the 1982 World Cup hosted by Spain. The stamp contains a stylized illustration of a soccer player executing a sliding tackle on an opposing player. This stamp is listed at page 912 of Volume 4 of the *2009 Scott Standard Postage Stamp Catalogue* as catalogue number [REDACTED] The catalogue lists this stamp's date of issue as June 13, 1982.
- The envelopes postmarked June 7, 1983, August 7, 1983, and October 9, 1983 all bear the same postage stamp with a value of twenty pesos. This stamp commemorates the thirty-fifth anniversary (in 1983) of the Human Rights Declaration. The stamp contains a stylized illustration of a flame flanked on both sides by laurel leaves. This stamp is listed at page 913 of Volume 4 of the *2009 Scott Standard Postage Stamp Catalogue* as catalogue number [REDACTED] The catalogue lists this stamp's date of issue as December 10, 1983.

The fact that envelopes postmarked February 18, 1981, March 18, 1981, April 20, 1981, June 22, 1981, February 30 [sic], 1982, April 5, 1982, the fifth day of an indeterminate month in 1982, June 7, 1983, August 7, 1983, and October 9, 1983 all bear postage stamps that were not issued until 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 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.