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U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
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U.S. Citizenship  
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Services

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[REDACTED]

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FILE:

[REDACTED]

Office: NEWARK

Date: SEP 27 2010

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.

  
Perry Rhew  
Chief, Administrative Appeals Office

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

The district director determined that the applicant had failed to submit sufficient evidence to establish residence in the United States in an unlawful status from January 1, 1982 through May 4, 1988. Specifically, the director indicated that the applicant filed an asylum application, Form I-589, in which the applicant indicated under oath that he resided in Pakistan until July 1993. The applicant also failed to disclose the births of three children born in Pakistan during the relevant period. The district director concluded that the applicant was ineligible to adjust to permanent residence under the provisions of the LIFE Act and denied the application.

On appeal, counsel asserts that the applicant has provided sufficient evidence to establish continuous, unlawful residence in the United States during the requisite period.

The issue to be determined on appeal is whether the applicant has submitted sufficient evidence of his entry to the United States prior to January 1, 1982 and his continuous residence in the United States in an unlawful status for the duration of the requisite period in accordance with the provisions of the LIFE Act.

The AAO conducts appellate review on a *de novo* basis. *See Soltane v. DOJ*, 381 F.3d 143, 145 (3d Cir. 2004). Following *de novo* review, the AAO finds that the applicant has failed to establish his continuous residence in the United States from January 1, 1982 through the end of the relevant period.

The record shows that the applicant submitted a Form I-485 application to United States Citizenship and Immigration Services (USCIS) on September 20, 2001. In support of his claim that he entered the United States prior to January 1, 1982 and resided continuously in the United States for the duration of the requisite period, the applicant submitted the following evidence:

- Employment letters from the [REDACTED] indicating that the applicant was employed during the requisite period. These letters fail to meet certain regulatory standards set forth at 8 C.F.R. § 245a.2(d)(3)(i), which provides that letters from employers must include the applicant's address at the time of employment; exact period of employment; whether the information was taken from official company records and where records are located and whether USCIS may have access to the records; if records are unavailable, an affidavit form-letter stating that the employment records are unavailable may be accepted which shall be signed, attested to by the employer under penalty of perjury and shall state the employer's willingness to come forward and give testimony if requested. The letters do not include much of the required information and can be afforded minimal weight as evidence of the applicant's residence in the United States for the duration of the requisite period.

- Affidavits from [REDACTED] Most of the affiants indicate that they met the applicant during the relevant period, however, they fail to indicate how they date their initial acquaintance with the applicant or how they have personal knowledge of his continuous residence throughout the relevant period.
- Copies of medical records, and physician letters indicating that the applicant was treated in the United States during the requisite period;
- Various letters from [REDACTED] among others;
- Letters from the [REDACTED] of New Jersey, [REDACTED] and the [REDACTED] of New York, stating that the applicant was a member of the organization during the requisite period. These letters do not conform to the statutory requirements for attestations by churches, unions, or other organizations, which is found at 8 C.F.R. § 245a.2 ((d)(3)(v)). That regulation requires such attestations to show the inclusive dates of membership, state the address where the applicant resided during the membership period, and establishes the origin of the information being attested to. The declarants do not provide the applicant's address, nor establish the origin of the information being attested to. Thus, the letters can be given little probative weight.
- A lease agreement for the applicant's stated residence indicating the applicant's lease of the premises from October 1984 until October 1985;
- A telegraphic money transfer receipt from [REDACTED] Branch, containing the applicant's name and stated address and dated January 1988;
- A letter from a representative of [REDACTED] Inc indicating that the applicant bought a ticket from New York to Karachi on December 20, 1987;
- A letter from an attorney for the [REDACTED] indicating that the [REDACTED] filed a judgment against the applicant for failure to pay a transit summons, in November 1985;

The record contains numerous inconsistencies. First, the applicant signed a Form I-589 in July 1994. On the application, the applicant indicated that he arrived in the United States in July 1993 without inspection from Mexico. The same application noted that the applicant was single and had no children. However, the applicant later indicated that he married [REDACTED] in Pakistan in August 1979. In support of a petition for an employment-based immigrant visa, the applicant submitted a letter stating that the applicant was employed as a carpenter from January

1987 to February 1989 in Pakistan. This is in direct conflict with his assertion that he resided in the United States throughout the requisite period.

Furthermore, the applicant indicated at his October 16, 2007 interview with USCIS that he has several children, born July 1980, March 1982, May 1985, July 1989 and that his wife has never entered the United States. On the Form I-687 filed in July 2004, the applicant indicates that he departed the United States only once, in 1988, following his entry in 1981. When the director noted this inconsistency in the applicant's interview with USCIS, the applicant changed his dates of departure from the United States and indicated several trips to Canada to visit his wife. He has presented no evidence of these departures.

The multiple discrepancies and amendments to the applicant's testimony cast doubt on the reliability of all of his testimony.

Finally, the AAO notes that the applicant has provided inconsistent and contradictory testimony regarding the date of the applicant's residence in the United States. As noted by the director, the applicant indicated on his Form I-687 signed on July 19, 2004, that he began residing in the United States in 1981. However, on his G-325A Biographic Information, signed by the applicant on May 25, 1994, the applicant indicates that he lived in Pakistan until 1994.

Finally, as noted by the director, this application has been identified by USCIS as being connected to an investigation of fraudulently prepared LIFE Act cases. The applicant was informed of the inconsistencies noted. He has failed to address any of them on appeal.

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). Doubt cast on any aspect of the applicant's proof may, of course, lead to a reevaluation of the reliability and sufficiency of the application. *Id.* at 591. The applicant was informed of the inconsistencies noted and failed to address them on appeal.

Given the applicant's reliance upon documents with minimal probative value, it is concluded that he has failed to establish continuous residence in an unlawful status in the United States from prior to January 1, 1982 through the relevant period as required under section 1104(c)(2)(B) of the LIFE Act. The applicant is, therefore, ineligible for permanent resident status under section 1104 of the LIFE Act on this basis.

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