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Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street N.W.
Washington, D.C. 20536



FILE: 

Office: National Benefits Center

Date: **DEC 29 2003**

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: Attached is the decision rendered on your appeal. The file has been returned to the National Benefits Center. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, 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.



Robert P. Wiemann, Director
Administrative Appeals Office

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

The director concluded the applicant had not established that he had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant contends that he has submitted documentation establishing prima facie evidence that he had requested class membership.

An applicant for permanent resident status under section 1104 of the LIFE Act must establish that before October 1, 2000, he or she filed a written claim with the Attorney General for class membership in the following legalization class-action lawsuits: *Catholic Social Services, Inc. v. Meese*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) (*CSS*), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) (*LULAC*), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993) (*Zambrano*). See 8 C.F.R. § 245a.10.

The applicant failed to submit any documentation addressing this requirement when the application was filed. In response to a notice of intent to deny, the applicant provided a photocopy of a Service (now Citizenship and Immigration Service, or CIS) worksheet dated September 30, 1993. This worksheet contains a handwritten notation stating that the applicant failed to establish class membership in the *CSS* case because:

You stated at previous interview that you did not apply for amnesty before 5/4/88 because you didn't have the money. Today: 9/30/93, you reaffirmed that statement while still under oath.

The worksheet appears to be a CIS document denying class membership, which would seemingly mean that the applicant did file a written claim for class membership. However, the worksheet is a photocopy of a typewritten document in which the applicant's name, date, and the statement noted above have been handwritten. The photocopied worksheet does not contain an Alien Registration Number, otherwise known as an A-number, as required of a CIS document granting or denying class membership under 8 C.F.R. § 245a.14(b). Furthermore, the applicant provides no explanation as to why he does not possess any other CIS documents including interview notices as the photocopied worksheet indicates that the

applicant appeared twice for interviews relating to potential class membership. Moreover, the applicant does not explain *why*, if this photocopied worksheet were truly in his possession the entire time, he did not submit it with his LIFE application, as applicants were advised to provide evidence *with* their applications. These factors raise grave questions about the authenticity of the photocopied worksheet submitted by the applicant.

Doubt cast on any aspect of an applicant's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence. It is incumbent upon an 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 (BIA 1988).

On appeal, the applicant contends that he provided information showing his request for classification in his response to the notice of intent to deny. However, the applicant was sent, and apparently received, a Notice of Decision, which described in detail why the application was being denied. The center director pointed out that the applicant failed to provide any credible evidence that he had filed an actual claim for class membership. The director also stated that a review of all relevant records failed to disclose any indication of the applicant having made a written claim for class membership.

Given his failure to establish that he filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

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