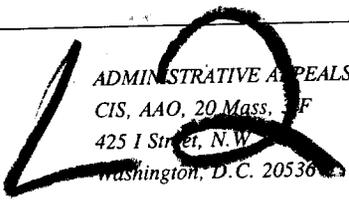


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U.S. Department of Homeland Security

Citizenship and Immigration Services

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

FILE: 

Office: NATIONAL BENEFITS CENTER

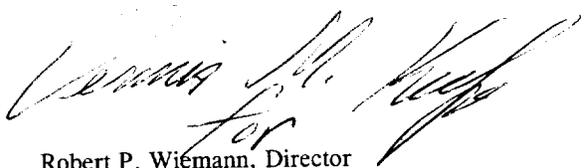
Date: **NOV 03 2003**

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).

IN BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS: Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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 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 states that he has submitted documentation establishing prima facie evidence that he had requested class membership. According to the applicant, he has not received any specifics on why he is being denied or what part of his documentation is not acceptable. The applicant requests that his application be given further consideration.

An applicant for permanent resident status under 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 any of 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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). See 8 C.F.R. § 245a.10.

The applicant failed to submit any documentation addressing this requirement when the application was filed. On rebuttal to a notice of intent to deny, the applicant provided a photocopy of a letter dated September 13, 2000, supposedly sent to Attorney General Reno, requesting that the applicant be registered in the LULAC case. Pursuant to 8 CFR § 245a.10, a *written claim for class membership* means a filing, in writing, in one of the forms listed in § 245a.14 which provides the Attorney General with notice that the applicant meets the class definition in the cases of *CSS*, *LULAC* or *Zambrano*. The letter does not constitute a "form" and does not equate to the actual forms listed in 8 CFR § 245a.14, although that regulation also states other "relevant documents" may be considered. However, the very brief letter does not even begin to imply that the applicant could qualify for LULAC class membership because it does not provide any relevant information upon which a determination could be made.

Moreover, the applicant does not explain why, if this letter 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. In addition, it must be noted that the applicant is one of numerous aliens who did not furnish such identically-worded letters in the same typeface (virtually all dated from September 1st to September 25th, 2000) with their LIFE

applications, and yet provided them only upon receiving letters of intent to deny. Furthermore, despite the absence of any Form G-28, Notice of Entry of Representation in these files, the statements on appeal from all of these aliens are, word-for-word, identical. These factors raise serious questions about the authenticity of the letter that the applicant purportedly sent to the Attorney General.

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

On appeal, the applicant claims that he provided information regarding his request for classification but has not been given any specifics as to why his application was denied. However, there is nothing in the record to indicate that he filed an actual claim for class membership. Furthermore, he was sent, and apparently received, a Notice of Decision, which described in detail why the application was being denied. The center director indicated that the photocopy of the letter does not establish that the original was ever received by the office of the Attorney General or by Citizenship and Immigration Services. The director also pointed out that a review of all relevant records, including a prior file which has been consolidated into the current file, failed to disclose any indication of the applicant having made a written claim for class membership.

A review of the record also discloses that a *prior* CIS file had been compiled for the applicant in conjunction with an application he had previously filed for temporary resident status as a special agricultural worker under section 210 of the INA. The applicant timely filed an application for temporary resident status as a special agricultural worker under section 210 of the INA, and this application was subsequently denied. The applicant appealed the denial of his application, and this appeal was dismissed by the AAO. In any case, section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of a timely filed and previously denied application for temporary resident status as a special agricultural worker under section 210 of the INA.

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.