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U.S. Department of Homeland Security
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Washington, DC 20536



U.S. Citizenship
and Immigration
Services

[Redacted]

FILE:

[Redacted]

Office: National Benefits Center

Date: APR 05 2004

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: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter 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. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant had not established 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 reasserts his eligibility for permanent resident status under the LIFE Act, alleging that he resided in the United States during the requisite time period under the statute and filed a timely claim for class membership in the *CSS/LULAC* class-action lawsuit.

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 one 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) (“*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 section 1104(b) of the LIFE Act and 8 C.F.R. § 245a.10.

Furthermore, under section 1104(c)(2)(B)(i) of the LIFE Act an applicant for permanent resident status must establish that he or she has resided in the United States in a continuous unlawful status since *before January 1, 1982*. On the applicant's G-325A Biographic Information Form, however, the applicant indicated that he resided in his native Bangladesh from June 1965 until July 1985. Given the applicant's inability to meet the statutory requirement of continuous residence in the United States since before January 1, 1982, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

Accordingly, the issue of whether the applicant applied for class membership in the *CSS-LULAC* lawsuit is moot. Nevertheless, given the nature of the documentation the applicant submitted on this issue, some discussion is warranted.

With his LIFE application, in response to the director's notice of intent to deny, and now on appeal, the applicant has submitted photocopies of notices he allegedly received from the U.S. Immigration and Naturalization Service (INS), now Citizenship and Immigration Services (CIS). These notices related to applications and motions to reopen or reconsider that the applicant purports to have submitted, or attempted to submit, to INS. If authentic, these notices could possibly serve as evidence of a claim by the applicant for class membership in *CSS/LULAC* prior to October 1, 2000.

None of these submissions, however, includes a CIS Alien Registration Number (A-number, or file number) for the applicant, as required in 8 C.F.R. § 245.14(b). Furthermore, there is no record of INS generating the photocopied notices or receiving any of the applications allegedly submitted by the applicant. Clearly, the applicant did *not* file the special agricultural worker (SAW) application. If he had, an A-file would have been created at that point. Since the applicant did not file a SAW application, he could not have filed a motion to reopen such application. Thus, the photocopies the applicant has submitted regarding the alleged SAW application cannot be authentic.

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).

It is further noted that the applicant is one of many aliens residing in New York City who have furnished such questionable photocopied documents with their LIFE applications. None of these applicants had pre-existing files with INS (CIS) prior to filing their LIFE applications, in spite of the fact that they all claim to have previously filed applications or questionnaires with INS. In addition, despite the absence in these files of any Form G-28, Notice of Entry of Representation, the statements on appeal from these aliens are nearly identical in language and content. These factors raise even more serious questions regarding the authenticity of the applications and supporting documentation in the instant case.

It is concluded that the photocopies the applicant has submitted do not establish that he actually filed a written claim for class membership in *CSS/LULAC*, as required in section 1104(b) of the LIFE Act. For failure to meet this statutory requirement, and because the applicant did not enter and begin residing in United States prior to January 1, 1982, as required in section 1104(c)(2)(B)(i) of the Act, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

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