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U.S. Department of Homeland Security  
20 Mass, Rm. A3042, 425 I Street, N.W.  
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:

[Redacted]

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.

*Handwritten signature: Robert P. Wiemann for*

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.

The applicant filed an appeal on January 21, 2003, requesting 30 days "to file brief and evidence showing good cause." The applicant also submitted a photocopy of a document already in the record. Up to the date of this decision, however, no brief or additional evidence has been submitted.

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.

The regulations provide an illustrative list of documents that an applicant may submit to establish that he or she filed a written claim for class membership before October 1, 2000. Those regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

The only evidence in the record of a claim for class membership is a photocopy of a form letter from the Houston District Office of INS, dated May 14, 1996, which the applicant submitted with his LIFE application. The letter purportedly advised the applicant that, although he had submitted an application for class membership in CSS, he had failed to establish eligibility for class membership because he had "failed to submit corroborative evidence of a departure between May 1, 1987 and May 4, 1988." Citizenship and Immigration Services (CIS), successor to the INS, has no record of sending the subject letter to the applicant in 1996. No A-number (file number) appears on the letter. Indeed, no A-file was created for the applicant until the instant LIFE application was filed in June 2002.

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 simply resubmitted the photocopied letter from INS. On January 16, 2004, the AAO sent a letter to counsel requesting that the applicant furnish the original letter allegedly sent to him by the INS on May 14, 1996. The applicant was given 30 days to respond. Up to the date of this decision, however, the AAO has not received the original letter or any response from the applicant. If the INS actually sent the subject form letter to the applicant in 1996, as alleged, there is no logical explanation why he would only have a photocopy thereof, rather than the original document. The fact that no A-number appears on the letter and no A-file was created for the applicant until the instant LIFE application was filed, in 2002, further undermines the credibility of the applicant's assertion that the INS actually sent him the letter in 1996.

It is concluded, based on the entire record in this case, that the photocopied form letter from the INS dated May 14, 1996 is *not* a true copy of an authentic document.

Thus, the applicant has failed to establish that he filed a written claim for class membership prior to October 1, 2000, in *CSS*, or either of the other legalization lawsuits, *LULAC* or *Zambrano*, as required under section 1104(b) of the LIFE Act.

Accordingly, 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.