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**U.S. Citizenship  
and Immigration  
Services**



**APR 19 2004**  
Date:

FILE: [Redacted] Office: NATIONAL BENEFITS CENTER

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 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 asserts that he is eligible for permanent resident status under the LIFE Act. The applicant submits documentation in support of his appeal.

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) (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 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.

With his LIFE Act application, the applicant submitted the following:

- a photocopy of an undated document from the [REDACTED] in New York City of the Immigration and Naturalization Service (now Citizenship and Immigration Service, or CIS), which contains the handwritten notation "CSS," and a bar code stamp and the following CIS Alien Registration Number, otherwise known as a A-number or file number, [REDACTED] and;
- a photocopy of a Form I-689, Fee Receipt, that is dated May 12, 1990, and is from CIS's [REDACTED] office in New York City, which contains the applicant's last name, the same A-number listed above, [REDACTED] and a corresponding CIS receipt number.

If authentic, such documents could possibly serve as evidence of a claim by the applicant for class membership in *CSS/LULAC* prior to October 1, 2000. While the both documents contain an A-number, a review of CIS records reveals that this A-number and the corresponding receipt number were in fact issued to an individual other than the applicant. The documents the applicant has submitted regarding his alleged claim to class membership cannot be authentic, and only serve to undermine the credibility of his claim to class membership.

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).

In his subsequent response to the notice of intent to deny, the applicant submitted a photocopied Form I-687, Application for Temporary Resident Status under Section 245A of the Immigration and Nationality Act (INA). However, the Form I-687 legalization application is clearly a contemporaneous document as it is dated January 14, 2003, includes both the applicant's places of residence and jobs through such date, and contains a "live" inked signature. An examination of the record fails to disclose any evidence that this document was

submitted to CIS prior to the receipt of the applicant's response to the notice of intent to deny on January 16, 2003.

The record reflects all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership in a timely manner. Furthermore, such review revealed that the applicant did not possess a CIS file prior to the filing of his LIFE Act application on September 16, 2002.

The applicant has failed to submit documentation which credibly establishes his having filed a timely written claim for class membership in one of the aforementioned legalization class-action lawsuits. 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.