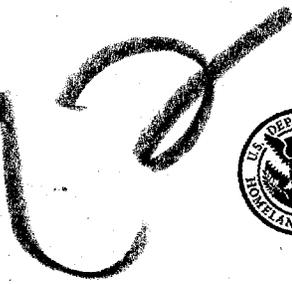


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U.S. Department of Homeland Security  
20 Mass. Rm. A3042, 425 I Street, N.W.  
Washington, DC 20536



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



FILE:



Office: NATIONAL BENEFITS CENTER

Date: **APR 19 2004**

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:**

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 she 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 she is eligible for permanent resident status under the LIFE Act. The applicant submits documentation in support of her 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 her LIFE Act application, the applicant included a photocopy of an undated document from the New York City office at 24<sup>th</sup> Street of the Immigration and Naturalization Service (now Citizenship and Immigration Service, or CIS). This photocopied document contains the applicant's name and the notation "LULAC/CSS," both of which are handwritten. The document also contains a bar code stamp and the following CIS Alien Registration Number, otherwise known as a A-number or file number, [REDACTED]

If authentic, this document could possibly serve as evidence of a claim by the applicant for class membership in CSS/LULAC prior to October 1, 2000. While the document contains the A-number listed above, a review of CIS records demonstrates that this A-number does not exist and has never been issued to any individual. Furthermore, there is no record of CIS generating the document. The document the applicant has submitted regarding her alleged claim to class membership cannot be authentic, and only serves to undermine the credibility of her 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 her 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 the applicant's place of residence 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 her LIFE Act application on September 16, 2002.

The applicant has failed to submit documentation which credibly establishes her 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.