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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 21 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

PUBLIC COPY

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

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 asserts that he had submitted sufficient documentation constituting prima facie evidence that he had applied for class membership. The applicant states that a brief and or evidence would be forthcoming within 30 days. However, a year later, no additional correspondence has been presented by the applicant.

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. The regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

The applicant failed to submit any documentation addressing this requirement when the application was filed. In response to a Notice of Intent to Deny issued on October 15, 2002, the applicant stated that in 1993, he submitted an application to the Los Angeles Office and subsequently received an appointment in 1994. To support his statement, the applicant provided photocopies of: 1) a Form G-56, Appointment Notice purportedly issued on July 13, 1993 by the Los Angeles Office; 2) a letter from the Center for Human Rights and Constitutional Law dated October 1, 1997; and 3) an unsigned letter dated December 3, 1997 from John Wolfgang Gehart regarding legal updates for *CSS and LULAC* class members.

While the appointment notice could possibly be considered as evidence of having made a written claim for class membership, the notice does not include 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 CIS generating the appointment notice listed above or receiving an application allegedly submitted by the applicant. Clearly, the applicant did not file an application. If he had, a file would have been created at that point. As such, the photocopied appointment notice cannot be authentic. Further, the letters from the Center for Human Rights and Constitutional Law and John Wolfgang Gehart lack credibility as the applicant's name is not listed.

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).

As such, the record does not establish that the applicant filed a written claim for class membership prior to October 1, 2000 in *CSS*, nor in the other legalization lawsuits, *LULAC* or *Zambrano*, as required under section 1104(b) of the LIFE Act.



Accordingly, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

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