



U.S. Citizenship  
and Immigration  
Services

W

[Redacted]

FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant: [Redacted]

AUG 21 2004

PETITION: 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. All documents have been returned to the office that originally decided your case. 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

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

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**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 submits a separate statement in which he reaffirms his eligibility for permanent resident status under the LIFE Act as one who had applied 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.

With his LIFE application, the applicant has submitted a personal statement dated February 2, 2003. In his statement, the applicant indicated that he had previously attempted to apply for permanent residence under the LIFE Act and had submitted documentation to an unspecified attorney. However, according to the applicant’s statement, he has been unable to locate this attorney since the September 11, 2001 attack on the World Trade Center and is still in the process of attempting to retrieve this documentation.

The applicant also submitted the following:

- a photocopied a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was purportedly signed by the applicant on May 25, 1993;
- a photocopied Form for Determination of Class Membership in *CSS v. Thornburgh (Meese)*, which was also purportedly signed by the applicant on May 25, 1993; and
- a photocopy of a Legalization Front-Desking Questionnaire signed by the applicant February 18, 1999.

Documentation such as that provided by the applicant *may* possibly be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. § 245a.14(d). However, there is no indication that any of these documents were ever actually filed by the applicant or that they were ever received by the Immigration and Naturalization Service or INS (now, Citizenship and Immigration Services or CIS). Moreover, had the applicant actually filed a Legalization Front-Desking Questionnaire with CIS on February 18, 1999, as claimed, a file would normally have been created at that point. However, a CIS file was never created for the applicant until after receipt of his LIFE application on February 7, 2003.

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 CIS prior to filing their LIFE applications, in spite of the fact that they all claim to have previously filed applications or questionnaires with CIS. 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.

Doubt cast on any aspect of the petitioner's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. It is incumbent upon the petitioner 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).

The applicant has failed to submit documentation which credibly establishes that he 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.