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

L2

FILE:

Office: NATIONAL BENEFITS CENTER

Date: JUL 20 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 office that originally decided your case. 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 initially denied by the Director, Missouri Service Center. The matter was subsequently reopened and denied again by the Director, National Benefits Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

Both directors 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 from the initial denial, the applicant reaffirmed his eligibility for permanent resident status under the LIFE Act as one who has applied for class membership in a legalization class-action lawsuit. The applicant provided copies of previously submitted documentation.

The record shows that subsequent to the reopening of the case, the applicant was afforded the opportunity to submit additional material in support of the appeal. The applicant subsequently submitted a statement and copies of previously provided documentation to supplement his appeal. Therefore, this statement and documentation shall be incorporated into his appeal and discussed below.

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.

The applicant neither claimed nor documented that he applied for class membership with his initial LIFE Act application. In response to the initial notice of intent to deny, the applicant included photocopies of the following documents:

- an undated Immigration and Naturalization Service, or Service (now Citizenship and Immigration Services, or CIS) appointment notice bearing the applicant's name and the A-number [REDACTED] which reflects that he was to appear at the Service's Legalization Office on [REDACTED], in New York, New York, on October 22, 1992, in order to be interviewed to determine eligibility for class membership; and,
- An undated card containing the full title and address of the same Service Legalization Office mentioned in the prior paragraph, the hand written notations "CSS" and "DATE," and a bar code listing the A number [REDACTED]

The photocopied Service documents such as that provided by the applicant may be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. § 245a.14(d). However, the applicant offered no explanation as to *why*, if he truly had these documents referencing his purported claim to class membership in his possession since at least October 22, 1992, he did not submit such documents with his LIFE Act application. Applicants were instructed to provide qualifying evidence *with* their applications and the applicant did include other supporting documentation with his LIFE Act application. A review of relevant records reveals that the Alien Registration Number, [REDACTED], was issued and assigned to the applicant on December 19, 2001, more than three months after his LIFE Act application had been filed. There is no evidence that the applicant had a pre-existing file prior to filing of his LIFE Act application in spite of the fact that he claims to

have been issued Service documents relating to class membership in 1992. These factors raise serious questions regarding the authenticity and credibility of the supporting documentation, as well as the applicant's claim that he filed for class membership. Given these circumstances, it is concluded that the photocopied Service documents provided by the applicant in support of his claim to class membership could not have been generated or issued by the Service and, therefore, cannot be deemed as authentic documents.

Doubt cast on any aspect of the evidence 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. *See Matter of Ho*, 19 I. & N. Dec. 582 (BIA 1988).

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.