**U.S. Department of Homeland Security**
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Washington, DC 20529

U.S. Citizenship and Immigration Services

L2

[redacted]

FILE: [redacted] Office: National Benefits Center Date: JUL 30 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

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 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

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identifying data deleted to prevent clearly unwarranted invasion of personal privacy

**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 one of the requisite legalization class-action lawsuits prior to October 1, 2000.

On appeal the applicant asserts that he has proved he filed a claim for class membership and has resided in the United States since before January 1, 1982. He also submitted photocopies of three documents (one of which had been previously submitted) relating to his alleged class membership claim.

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.

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 application (Form I-485) the applicant filed a photocopied appointment notice from the Immigration and Naturalization Service (INS), dated September 26, 1990, purportedly scheduling an interview for the applicant at an INS office in Los Angeles on January 21, 1991 "[t]o submit your application for amnesty as a *CSS v. Thornburgh* or *LULAC v. INS* class member." Later, in response to the director's Notice of Intent to Deny, the applicant submitted photocopies of (a) an INS form notice, dated May 3, 1993, referring to the applicant as a *CSS* class member with an A-number of A93 470 363, (b) another INS interview notice with a different issuance date (September 19, 1990) and a different interview date (January 16, 1991) than the notice previously submitted with the LIFE application, and (c) undated INS correspondence, without an identified recipient, advising that "you were already interviewed under the new national standards" and that "no new appointment date is available to you."

As the director pointed out in his decision, the A-number A93 470 363 was never issued to the applicant. It is incumbent upon an applicant to resolve any inconsistencies in the record by independent objective evidence. Attempts to explain or reconcile such inconsistencies will not suffice unless the applicant submits competent objective evidence pointing to where the truth lies. See *Matter of Ho*, 19 I&N Dec. 582, 591-92 (BIA 1988). In his appeal the applicant did not even address, much less offer any explanation, for the appearance of an unrelated A-number on the INS document allegedly sent to him in May 1993.

In support of his appeal the applicant resubmitted the photocopied interview notice from the INS dated September 19, 1990. He also submitted a photocopy of an INS notice (Form I-72) allegedly sent to the applicant and indicating that he "must provide reasonable evidence of continuous residence in the U.S. since prior to January 1, 1982." In addition, the applicant submitted a photocopied document referred to as "corroborative evidence," bearing a notary seal and dated February 16, 1991, which includes a statement by the applicant that he filed an "application under *CSS*" and an affidavit b[redacted] that the applicant was denied an opportunity to file an application for legalization during the original "amnesty program" because he had departed the United States for a month during 1987.

Like the previously discussed INS notice with an A-number never issued to the applicant, the Form I-72 contains some contradictory data which raise questions about its authenticity. Thus, the form bears a date stamp at the bottom right reading "Jan. 16, 1991." However, the document does not appear to have been in existence at that time since a descriptive reference on the bottom left indicates that the Form I-72 was revised on May 16, 1991 – *i.e.*, four months later. The applicant has provided no explanation for these apparently irreconcilable dates. Accordingly, the AAO is not persuaded that the Form I-72 is an authentic document that was actually issued to the applicant in January 1991.

As for the "corroborative evidence" containing the applicant's statement and the affidavit of [redacted] allegedly notarized on February 16, 1991, it must be noted that there is no signature by the notary following her seal. Thus, a basic indicator of authenticity and a fundamental requirement of any notarized document is missing. Moreover, the applicant's signature is in blue ink, which is inconsistent with the photocopied nature of the other handwritten entries on the document by the affiant and, allegedly, by the notary.

Thus, no less than three of the documents submitted by the applicant are of doubtful authenticity. Doubt cast on any aspect of an applicant's proof may call into question the reliability and sufficiency of the remaining evidence. See *Ho*, *id.* at 591. In view of the suspect quality of the INS notice dated May 3, 1993, the Form I-72 stamped January 16, 1991, and the "corroborative evidence" dated February 16, 1991, the AAO does not regard the remaining documents submitted in this action to be reliable evidence that the applicant filed a timely claim for class membership in *CSS*. Furthermore, the applicant does not explain why, if all of the foregoing documents were truly in his possession the entire time, he submitted only one of them with his LIFE application and the others in piecemeal fashion at later stages of the proceeding. Applicants were advised to provide supporting evidence *with* their LIFE applications.

For the reasons discussed above, the AAO concludes that the applicant has failed to establish that he filed a written claim for class membership before October 1, 2000 in *CSS*, or either of the other two legalization lawsuits, *LULAC* or *Zambrano*, as required to be eligible for legalization under section 1104(b) of the LIFE Act.

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.