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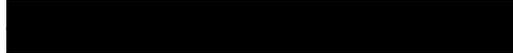


Office: NATIONAL BENEFITS CENTER

Date: JUN 01 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. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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, reopened, and denied again by the Director, National Benefits Center. The matter 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. The director also concluded that the Alien Registration Number provided by the applicant was never assigned to him. Accordingly, the director denied the application.

On appeal, the applicant asserts that since 1992 he has paid for services "to file for a legal status" to an individual whom he believed worked for the INS Service, but was subsequently sent to prison for fraud. The applicant states "I filed for legal status 12-11-01 because honestly believe I have a right to apply." The applicant requests that his application be reconsidered.

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.

Along with his LIFE application, the applicant submitted: 1) two photocopies of a Freedom of Information Act (FOIA) notice issued on December 4, 2002 informing the applicant that his request had been received on November 30, 1992; 2) three postmarked envelopes from the California Service Center; 3) evidence to establish his residence and physical presence in the United States; 4) a notice purportedly issued on November 22, 1995 by the Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS) indicating that the applicant's application, [REDACTED] was pending; 5) a notice purportedly issued on October 10, 1996 by CIS referring to an appointment that was canceled; 6) an appointment notice for November 27, 1996 purportedly issued by CIS; 7) a court document entitled *Inquiry and Release of Apprehended Aliens with Class Membership Claims*; and 8) an undated document from the Center for Human Rights and Constitutional Law entitled *CSS Case Pending Court Decision*.

The envelopes from the California Service Center are postmarked December 7, 1992, June 26, 2000, and March 1, 2001. Except for the FOIA notice dated December 4, 2002, the applicant fails to provide any correspondence from CIS that was purportedly sent to him in the remaining two envelopes. As such, it cannot be ascertained that the remaining postmarked envelopes were addressed to him. 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). There is no record of CIS generating any of the notices listed above or receiving an application allegedly submitted by the applicant. Further, there is no record of CIS having received the CSS Case Pending Court Decision document from either the applicant or the Center for Human Rights and Constitutional Law.

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 response to the Notice of Intent to Deny issued on February 28, 2002, the applicant submitted copies of documents that were previously provided along with a letter from an immigration consultant of Las Americas Immigration Service who indicated that [REDACTED] had assisted the applicant in preparing his LIFE application, but was presently in prison for fraud. On appeal, the applicant again submitted copies of documents that were previously provided along with a copy of [REDACTED] business card and several receipts issued in 1992 and 1996.

The applicant does not address or provide any evidence to overcome the director's subsequent Notice of Intent to Deny issued on June 16, 2003 and the Notice of Decision issued on July 30, 2003.

None of the documents submitted throughout the application process establish that the applicant filed a timely written claim for class membership prior to October 1, 2000. Given his failure to document, that he filed a timely written claim for class membership, 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.