



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE:

[Redacted]

Office: National Benefits Center

Date: JUN 02 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.

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. It was reopened and denied again by the Director, National Benefits Center. The matter is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The directors concluded that the record failed to establish the applicant had applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal the applicant reasserts that he applied for permanent residence in the United States "under [the] CSS program" and that he has been living in the United States since 1981.

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 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.

An applicant for permanent resident status under section 1104 of the LIFE Act must also establish that he or she entered the United States before January 1, 1982 and resided in this country in an unlawful status continuously through May 4, 1988. See section 1104(c)(2)(B)(i) of the Act and 8 C.F.R. § 245a.11(b).

When he filed his LIFE application (Form I-485) in May 2002 the applicant also submitted a photocopy of an appointment notice (Form G-56) from the Immigration and Naturalization (INS) office in Santa Ana, California, addressed to the applicant and dated June 26, 1990, which purportedly scheduled an appointment on August 21, 1990 at the Santa Ana office for the applicant "[t]o discuss your application for amnesty as a CSS or LULAC class member." This document would appear to be evidence that the applicant filed a timely claim for class membership in CSS (or LULAC).

However, other documentation in the applicant's A-file indicates that the applicant did not enter the United States until March 19, 1993, on a six-month tourist visa. Almost immediately the applicant filed a request for asylum (Form I-589). Along with his asylum request the applicant submitted a Form G-325 (Biographic Information) in which he stated that he had resided in the Philippines from 1966, the year of his birth, until March 1993.

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).

The applicant has furnished no additional evidence on appeal, nor any explanation of the above-cited documentation in the file which contradicts his assertion that he has resided in the United States since 1981. Thus, the applicant has failed to establish that he entered the United States before January 1, 1982

and resided unlawfully in this country continuously from then through May 4, 1988, as required under section 1104(c)(2)(B)(i) 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.