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U.S. Citizenship
and Immigration
Services



LA

FILE:



Office: National Benefits Center

Date: JUN 23 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 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, National Benefits Center, and 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 and, therefore, denied the application.

On appeal, the applicant states that he believes the denial of his application was unjust and that the reasons for the denial were unfounded. The applicant resubmits documents for consideration and requests that his application be approved.

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 provided a photocopy of a Form I-687 Application for Status as a Temporary Resident under section 245A of the INA allegedly signed by the applicant on December 22, 1989.

On rebuttal to a notice of intent to deny, the applicant provided a photocopy of a "LULAC Class Member Declaration" allegedly signed by him on June 22, 1996 and a photocopy of a "Legalization Questionnaire," bearing his signature and dated January 23, 2001. In the Legalization Questionnaire, the applicant asserted that he did not file an application for legalization under section 245A of the INA between May 5, 1987 and May 4, 1988 because he heard that people who traveled out of the country didn't qualify and that he was afraid to visit an INS office as he thought he would be deported.

The applicant does not explain *why*, if the LULAC Class Member Declaration and the Legalization Questionnaire were in his possession the entire time, he did not submit them with his LIFE application, as applicants were advised to provide evidence *with* their applications.

Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service (INS), has no record of receiving any of the above three documents from the applicant until the instant LIFE application was filed on November 5, 2002. To be eligible for permanent resident status under section 1104(b) of the LIFE Act the applicant must show that after failing to file for temporary residence (legalization) during the May 5, 1987 and May 4, 1988 period, he filed a claim for class membership in one of the legalization lawsuits sometime before

October 1, 2000. The applicant has not furnished any evidence, such as a postal receipt or an acknowledgement letter from the INS, that the above forms were filed with the INS on a date before October 1, 2000. The Legalization Questionnaire could not have been because it is dated subsequent to that date. As indicated above, CIS has no record of receiving any of these three documents from the applicant until the instant LIFE application was filed in November 2002. That was two years after the statutory deadline to file a claim for class membership one of the legalization lawsuits.

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 further evidence on appeal that any of the three documents discussed above was filed with the INS before October 1, 2000. Thus, none of them can be considered evidence of a timely, and therefore legally valid, claim for class membership.

Accordingly, the applicant is ineligible for permanent resident status under section 1104(b) of the LIFE Act.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.