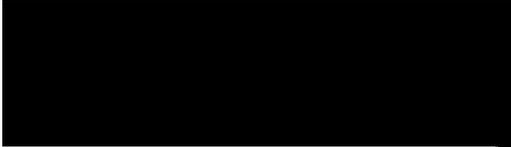




U.S. Citizenship
and Immigration
Services

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prevent clearly unwarranted
invasion of personal privacy

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MAR 11 2004

FILE:

Office: National Benefits Center

Date:

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 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

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 any of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant asserts that he applied for class membership in the CSS lawsuit, *infra*, and requests that his case be reconsidered.

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.

The applicant submitted with his LIFE application a photocopy of an appointment notice from the Immigration and Naturalization Service (INS), dated September 26, 1990, purportedly scheduling an appointment for the applicant at an INS office in Los Angeles on February 20, 1991, "[t]o submit your application for amnesty as a CSS v. Thornburgh or LULAC v. INS class member." However, there is no record at Citizenship and Immigration Services (CIS), successor to the INS, that the applicant filed a claim for class membership in 1990, 1991, or any time thereafter. CIS has no record of issuing an appointment notice to the applicant in September 1990, scheduling a CSS/LULAC-related appointment for February 1991, or interviewing the applicant. There is no A-number (alien registration number, or file number) on the appointment notice. In fact no A-file was created for the applicant until the instant LIFE application was filed in 2002.

In response to the director's notice of intent to deny the applicant submitted a letter, dated October 28, 2002, asserting that he had "applied under the Catholic Social Services (CSS)" in November 1990. The applicant also submitted a photocopy of a Form I-72, dated December 24, 1990, in which the INS purportedly advised the applicant that he needed "to submit proof of departure in 1988" in regard to his claim for class membership in CSS. Once again, however, there is no record at CIS that a Form I-72 was sent to the applicant. There is no A-number on the document and, as previously discussed, no A-file was created for the applicant until the instant LIFE application was filed in 2002.

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).

On appeal the applicant simply resubmitted a photocopy of the Form I-72 already in the record, and submitted a one page Spanish-language "Questionnaire Form for Applicants under CSS and LULAC" issued by the Center for Human Rights and Constitutional Law in Los Angeles. There is nothing in the

questionnaire which could possibly establish that the applicant filed a written claim with the Attorney General (*i.e.*, with INS) for class membership in *CSS* or *LULAC*.

On December 12, 2003, the AAO sent a letter to the applicant requesting that he furnish the original appointment notice and I-72 form allegedly issued by the INS in September 1990 and December 1990, respectively. The applicant was given 30 days to respond. Up to the date of this decision, however, the applicant has failed to respond to the AAO's letter or submit the requested documents. If the INS actually sent the subject documents to the applicant in 1990, as alleged, there is no logical explanation why he would only have photocopies thereof, rather than the original documents. The fact that no A-file was created for the applicant until the instant LIFE application was filed, in 2002, further undermines the credibility of the applicant's assertion that the INS actually sent him the appointment notice and the I-72 form in 1990.

It is concluded, based on the entire record in this case, that the photocopied appointment notice and I-72 form submitted by the applicant are *not* true copies of authentic documents.

For the reasons discussed above, the applicant has failed to establish that he filed a written claim for class membership prior to October 1, 2000, in *CSS*, *LULAC*, or the other legalization lawsuit, *Zambrano*, as required 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.