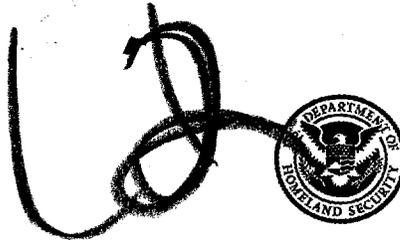


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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536

U.S. Citizenship
and Immigration
Services



MAR 18 2004

FILE:

Office: NATIONAL BENEFITS CENTER

Date:

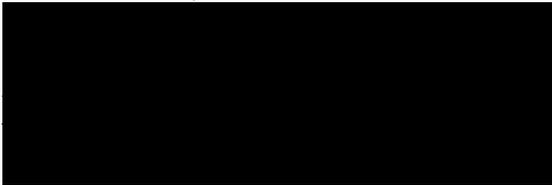
IN RE:

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:



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 your case 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 for".

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, and is now before the Administrative Appeals Office (AAO) 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, counsel submits a statement in which she declares that the applicant's A-number and previously submitted documents are sufficient to establish that he is a class member in one of the requisite legalization class-action lawsuits. Counsel submits copies of previously submitted documents.

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.

Furthermore, under section 1104(c)(2)(B)(i) of the LIFE Act each applicant for permanent resident status must establish that he or she entered and commenced residing in the United States prior to January 1, 1982. The record contains a Form I-130, Petition for Alien Relative, that was submitted to the Service (now Citizenship and Immigration Services, or CIS) on the applicant's behalf by his spouse, a United States citizen. The petition was submitted on December 12, 1995, and the applicant was assigned a CIS Alien Registration Number (A-number, or file number), [REDACTED] at that point. The alien relative petition included a Form G-325A, Biographic Information Form, relating to the applicant. On the Form G-325A, the applicant specifically acknowledged that he resided in his native Mexico from June 1963 until September 1986. Given the applicant's inability to meet the statutory requirement of residence in the United States since before January 1, 1982, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

Accordingly, the issue of whether the applicant applied for class membership in one of the requisite legalization class-action lawsuits is moot. Nevertheless, given the nature of the documentation the applicant submitted on this issue, some discussion is warranted.

With his LIFE application, in response to the director's notice of intent to deny, and now on appeal, the applicant has submitted photocopies of notices he allegedly received from CIS. These two notices relate to the scheduling of an appointment for the applicant in the latter part of 1991, regarding his claim for class membership in one of the requisite legalization class-action lawsuits and the corresponding documentary requirements. If authentic, these notices could possibly serve as evidence of a claim by the applicant for class membership in CSS/LULAC prior to October 1, 2000.

None of these submissions, however, includes an A-number for the applicant, as required in 8 C.F.R. § 245.14(b). While one of the notices lists a purported receipt number, a review of CIS records demonstrates that this receipt number does not exist. Furthermore, there is no record of CIS generating either of the photocopied notices. The photocopies the applicant has submitted regarding his alleged claim to class membership cannot be authentic, and only serve to undermine the credibility of his claim to class membership.

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).

According to counsel, A-numbers assigned to *CSS*, *LULAC*, and *Zambrano* applicants by the Houston, Texas office of Citizenship and Immigration Services (CIS) usually commenced with the numerical prefix "93" [the A-number assigned to the applicant's LIFE Act application is ██████████]. According to counsel, this should be sufficient to establish the applicant meets the statutory requirement for eligibility under the LIFE Act. While some A93 numbers were issued to *CSS*, *LULAC*, and *Zambrano* applicants, other A93 numbers were issued to aliens when they applied for permanent residence under the LIFE Act. That is the case here; the applicant filed his LIFE application, and CIS created file, ██████████ and assigned that A-number to the applicant. Once it became evident that the applicant had a pre-existing file and A-number, ██████████ as noted above, the LIFE Act application and its corresponding file, ██████████ were consolidated into the pre-existing file.

The record reflects all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership in a timely manner. Such check included separate files, ██████████ the alien relative petition discussed above, ██████████ Determination of Inadmissibility and Order of Removal, and ██████████ the LIFE Act application. These files have now been consolidated into the current record of proceedings.

It is concluded that the photocopies the applicant has submitted do not establish that he actually filed a written claim for class membership in *CSS/LULAC*, as required in section 1104(b) of the LIFE Act. For failure to meet this statutory requirement, and because the applicant acknowledges that he did not enter and begin residing in United States prior to January 1, 1982, as required in section 1104(c)(2)(B)(i) of the Act, 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.