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U.S. Department of Homeland Security  
20 Mass, Rm. A3042, 425 I Street, N.W.  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services



FILE:



Office: National Benefits Center

Date:

MAY 27 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 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, 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 claims to have sent a request for class membership to the Washington, D.C. office of the U.S. Immigration and Naturalization Service (now Citizenship and Immigration Services, or CIS.)

Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been furnished by Mario E. Carretero. 8 C.F.R. § 292.1(a)3 specifies that an applicant may be represented by a reputable individual who is appearing without direct or indirect remuneration and files a written declaration to that effect. As no declaration has been filed by Mr. Carretero, this decision will be sent to the applicant only.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). 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. The 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 included a Form I-687, Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act, dated April 18, 1988. He also provided a Legalization Questionnaire dated March 12, 2000, and an undated affidavit that described his purported attempts to apply for legalization during the actual filing period of May 5, 1987 to May 4, 1988.

The Legalization Questionnaire and the affidavit were signed in ink. Thus, these are original documents, rather than photocopies of what the applicant is claiming he had submitted in the past. If the applicant had actually submitted either of these documents prior to October 1, 2000, they would be in the possession of CIS, and the applicant would only have photocopies to furnish now in this LIFE proceeding. An examination of CIS records fails to disclose any evidence of this applicant having previously filed such forms, or the original of Form I-687. In fact, no CIS file was ever created in the name of the applicant until he filed this LIFE application on August 2, 2002.

It is noted that the applicant is one of many aliens whose LIFE applications were prepared by [REDACTED] an immigration consultant in Chicago. Although he signed the appeals, Mr. [REDACTED] is not an accredited representative or otherwise authorized to represent aliens in proceedings before CIS.

Furthermore, all of his cases reviewed by this office thus far are the same in that all of the aliens claim to have requested class membership in the *Catholic Social Services* (CSS) lawsuit, rather than *Zambrano* or LULAC. They all claim to have been absent from the United States in 1987 or 1988, which could qualify them for CSS

consideration, and they all claim to have returned within 45 days, which would allow them to be considered to have still maintained continuous residence for legalization purposes. Importantly, virtually none of the aliens had a pre-existing file with CIS prior to the filing of his or her LIFE application, and none had a file prior to the October 1, 2000 deadline for having applied for class membership. None of them has provided any type of individual receipt or letter that was issued to him or her by the Immigration and Naturalization Service prior to October 1, 2000.

Also, although LIFE applicants must demonstrate that they resided in the United States from January 1, 1982 to May 4, 1988, pursuant to 8 C.F.R. 245a.11(b), virtually none of these aliens, including this applicant, has provided any of the contemporaneous documents relating to residence during that period that are listed in 8 C.F.R. 245a.2(d)(3), such as pay stubs, W-2 forms, bills, school and medical records, receipts, licenses, registrations, and birth certificates of children born in the United States. Most of the affidavits he and the other applicants have provided attesting to their residence for the 1982-88 period are all in the same stylized format with the same typeface, and they are all identically-worded "fill in the blank" statements. Although they live in different parts of Chicago and its suburbs, virtually all the applicants, including this one, provide an affidavit attesting to membership in the same parish in Chicago. These factors and commonalities raise additional questions as to the eligibility of the applicants for adjustment of status under the LIFE Act.

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).

Given his failure to establish having filed a timely written claim for class membership, and the dubious nature of his documentation, 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.