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

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: NEW YORK Date: NOV 3 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:

[redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

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 District Director, New York, New York. It is now on appeal before the Administrative Appeals Office. The appeal will be dismissed.

The district director denied the application because the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status since before January 1, 1982 through May 4, 1988.

On appeal, counsel asserts that sufficient evidence has been provided to establish the applicant's residence in the United States from 1986 through 1988. Counsel argues that it is inherently unreasonable to request evidence for the period in question as it has been over 14 years and all of the paper trails have disappeared. Counsel submits a letter from a representative of Coordinating Agency for Spanish Americans (CASA) in Nassau County, New York who claims that the applicant was a student during the Fall of 1986 and 1987.

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 applicant has presented contradicting statements of which no explanation has been provided. The interviewing officer's notes indicates that applicant was asked whether he had attended any language schools in the United States of which the applicant replied no. Counsel, however, provides a letter from CASA indicating the applicant was a student at their facility in 1986 and 1987. In addition, the applicant claimed on his G-325A Biographic Information Form dated September 13, 2001, that he resided in Hempstead, New York from 1988 through January 1, 1997. However, the applicant listed on his Form I-687 application dated February 27, 1990, that he had been residing in Miami Beach, Florida from September 15, 1988. These factors raise grave questions about the authenticity of the documents the applicant has presented throughout the application process.

Doubt cast on any aspect of the evidence 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. See *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988).

Furthermore, on the applicant's G-325A Biographic Information Form, the applicant indicated that he resided in his native Morocco from the age of ten until August 1987. 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.

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