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U.S. Department of Homeland Security  
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Washington, DC 20529



**U.S. Citizenship  
and Immigration  
Services**



L2

FILE:



Office: NATIONAL BENEFITS CENTER

Date: **SEP 02 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. 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 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 asserts that he gave his Form I-687 Application along with the required fee to an agency in Philadelphia. The applicant claims that he received correspondence indicating that his application had been received along with a letter stating that his employment authorization had been granted, but did not receive anything in the mail. The applicant states that in January 1990, "someone filled out the Declaration Form" as he neither writes nor speaks the English language. The applicant further states that he went to the Manhattan Office and received an appointment to be interviewed on March 22, 1990, but could not attend because he was out of the country. The applicant submitted a copy of a Form I-687 Application that was initially provided.

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. In the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership in a legalization class-action lawsuit before October 1, 2000. 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.

The applicant indicated on his Life application that his spouse was applying for adjustment of status under the provisions of the LIFE Act. However, based on the applicant's statement that his spouse did not enter the United States until May 1985, the spouse is ineligible to adjust status under the LIFE Act.

Along with his LIFE Application, the applicant submitted: 1) a copy of his Brazilian passport, which indicated that applicant entered the United States on November 27, 2001 as a B-2 visitor; 2) affidavits from acquaintances attesting to the applicant's residence in the United States; 3) a copy of his marriage certificate; and 4) a copy of a Form I-687 Application dated January 1988. The applicant asserted that he applied for temporary resident status under the Immigration Reform and Control Act of 1986 (IRCA) and his work permit was approved. The applicant claimed that he has misplaced all of his documents.

In response to a Notice of Intent to Deny issued on June 11, 2003, the applicant asserted that he was a class member under *LULAC*. As evidence, the applicant provided: 1) a copy of a Form I-687 Application that was initially submitted; 2) a Legalization Front-Deskling Questionnaire dated March 5, 2000; and 3) a *LULAC* Class Membership Declaration dated January 24, 1990.

While such documents could possibly be considered as evidence of having made a written claim for class membership, none of these submissions include an Alien Registration Number (A-number, or file number) for the applicant, as required in 8 C.F.R. § 245.14(b). There is no record of the Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS), receiving the Legalization Questionnaire and Form I-687 application allegedly submitted by the applicant.

On appeal, the applicant submits an undated copy of an interview notice, purportedly issued by the New York City Office, indicating that an interview had been scheduled on March 22, 1990 to determine class membership. However, the applicant provides no explanation whatsoever as to *why*, if he truly had this document in his possession the entire time, he did not submit them with his LIFE application. Applicants were instructed to provide qualifying evidence *with* their applications and the applicant did include other supporting documentation with his LIFE Act application.

Further, the applicant has provided contradicting statements for which no explanation has been provided. In the Legalization Front-Deskling Questionnaire, the applicant stated that he attempted to file his application at the Philadelphia Office, but the office would not accept it so he mailed the application to Vermont in January 1988. However, the applicant indicated in his *LULAC* Class Membership Declaration "I did not apply for legalization before the May 4, 1988 deadline because I believed I was ineligible based on information I received..."

Doubt cast on any aspect of an applicant's 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. *Matter of Ho*, 19 I. & N. Dec. 582 (BIA 1988).

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 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.