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U.S. Citizenship
and Immigration
Services

L2

FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER Date: **DEC 05 2005**

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: 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 requests that his application be reconsidered as he was "prevented from pursuing my rights to file for the LIFE Act and I was also unaware of closing dates."

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.

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.

Along with his LIFE application and in response to the Notice of Intent to Deny dated October 6, 2003, the applicant submitted photocopies of a Form I-687 Application for Status as a Temporary Resident dated November 9, 1988 and a Legalization Questionnaire dated September 13, 2000.

Citizenship and Immigration Services records fail to disclose any evidence that the applicant had filed or attempted to file a Form I-687 Application. Clearly, the applicant did not file the Form I-687 application. If he had, a file number would have been created at that point. In addition, there is no record that the Legalization Questionnaire was ever filed or was ever received by the legacy Immigration and Naturalization Service. In fact, no A-file was ever created in the name of the applicant until he filed this LIFE application on May 23, 2003.

The applicant also submitted a Form for Determination of Class Membership in *CSS vs. Meese* questionnaire signed by the applicant on August 23, 1988. However, it must be noted that at the time the applicant claimed to have submitted said form, the *CSS vs. Meese* class-action lawsuit had not been decided. Thus, this form lacks credibility.

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).

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.