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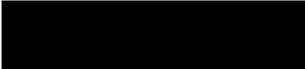
U.S. Citizenship
and Immigration
Services

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MAR 23 2005

FILE:



Office: NATIONAL BENEFITS CENTER

Date:

IN RE:

Applicant



PETITION:

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. 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.

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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 (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 of the initial decision, the applicant submits a separate statement in which he reaffirms his eligibility for permanent resident status under the LIFE Act as one who had applied for class membership in the *CSS/LULAC* class-action lawsuit.

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.

Along with his LIFE application, the applicant provided the following:

- a photocopied a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was purportedly signed by the applicant on December 30, 1987;
- a photocopied Legalization Front-Desking Questionnaire signed by the applicant on September 22, 1999;
- a photocopied Form for Determination of Class Membership in *CSS v. Thornburgh (Meese)*, allegedly signed by the applicant on June 10, 1991; and
- a photocopy of an undated Form I-797 Notice of Action from the Vermont Service Center informing the applicant that a previously scheduled interview to determine eligibility for class membership under *CSS/LULAC* would be cancelled and rescheduled for another date.

These notices related to applications and questionnaires that the applicant purports to have submitted, or attempted to submit, to the Immigration and Naturalization Service or INS (now, Citizenship and Immigration Services or CIS). If authentic, these documents could possibly serve as evidence of a claim by the applicant for class membership in *CSS/LULAC* prior to October 1, 2000. There is no indication in CIS administrative or computer records, however, of the Service ever having issued such notices. Moreover, had the applicant actually filed a Legalization Front-Desking Questionnaire with CIS on September 22, 1999, as claimed, a file would normally have been created at that point. However, an alien registration file (or A-file) was never created for the applicant by CIS until June 2, 2003, when his LIFE application was initially received. The photocopied Form I-687 application was purportedly completed December 30, 1987. This date would have been well within the May 5, 1987 to May 4, 1988 application period for applying for temporary residence (legalization) under the Immigration Reform and Control Act (IRCA). While this photocopied application might serve as evidence of being "front-desked" or otherwise discouraged or prevented from applying for legalization under

section 245A of the Immigration and Nationality Act (INA), it does *not* constitute an application for class membership under any of the aforementioned class-action lawsuits.

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. Given his failure to provide documentation establishing his 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.