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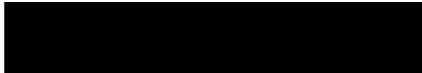


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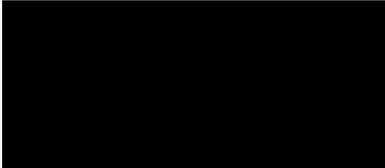
Office: NATIONAL BENEFITS CENTER

Date: **APR 11 2006**

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:



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, counsel asserts that the applicant submitted a completed Form I-687 application with supporting documents to a legalization office. Counsel submits copies of documents that were previously 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.

Furthermore, under section 1104(c)(2)(B)(i) of the LIFE Act each applicant for permanent resident status must establish that he or she entered the United States prior to January 1, 1982, and that he or she has *resided continuously* in the United States in an unlawful status since such date and through May 4, 1988.

On the applicant's G-325A Biographic Information Form, dated and signed by the applicant on March 28, 2003, the applicant indicated that he resided in his native Bangladesh from January 1985 until August 1987. Given the applicant's inability to meet the statutory requirement of *continuous* residence in the United States since before January 1, 1982 through May 4, 1988, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

Accordingly, the issue of whether the applicant applied for class membership in the *CSS-LULAC* lawsuit is moot. Nevertheless, given the nature of the documentation the applicant submitted on this issue, some discussion is warranted.

Along with his LIFE application, the applicant submitted copies of: 1) a Form I-687 application dated May 4, 1991; 2) a Form for Determination of Class Membership dated March 4, 1991; 3) a Form dated October 25, 1991 issued by the New York Office of Citizenship and Immigration Services (CIS) informing the applicant that an interview date of March 6, 1992 had been scheduled in order to determine subclass membership; 4) a Form dated December 4, 1992 purportedly issued by the New York Office informing the applicant that an interview date of July 16, 1993 had been scheduled in order to determine subclass membership; 5) an undated Form G-56 purportedly issued by the New York Office informing the applicant that an interview date of February 28, 1994 had been scheduled in order to determine subclass membership; and 6) documentation from acquaintances and employers attesting to the applicant's residence and employment in the United States during the requisite period.

While the documentation from acquaintances and employers may attempt to serve as evidence of the applicant's residency and employment, they do not establish that the applicant filed a timely written claim for class membership prior to October 1, 2000. The remaining documents could possibly be considered as evidence of having made a written claim for class membership, however, none of these submissions include a CIS Alien Registration Number (A-number, or file number) for the applicant, as required in 8 C.F.R. § 245.14(b). Furthermore, there is no record of CIS generating any of the photocopied forms or receiving any application allegedly submitted by the applicant. Clearly, the applicant did not file the Form I-687 application. If he had, an A-file would have been created at that point. Likewise, if the applicant had three interview appointments, it is not plausible that a file was never created and an alien registration number issued at some point. As such, the photocopied documents the applicant has submitted are of questionable origin.

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, and because the applicant acknowledges that he did not enter and begin residing in United States prior to January 1, 1982, as required in section 1104(c)(2)(B)(i) of the Act, 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.