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

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U.S. Citizenship and Immigration Services

[redacted]

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FILE: [redacted] Office: NATIONAL BENEFITS CENTER Date: APR 11 2006

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.

Ellen C. Johnson

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. The director also concluded that the Alien Registration Number provided by the applicant was never assigned to him. Accordingly, the director denied the application.

On appeal, the applicant asserts he is eligible for permanent resident status under the LIFE Act, as "I applied under CSS and if the number that I was given is not in your record, maybe was written wrong." The applicant requests that his application be reconsidered.

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, the applicant submitted photocopies of: 1) a Form I-72 dated February 24, 1991, which purportedly listed the applicant's name and an alien registration number A93107550. In the section for CSS applicants, the applicant was informed that he needed to submit proof of his 1988 departure; 2) an incomplete Questionnaire Form for Applicants Uinder [sic] CSS and LULAC dated September 12, 1996 in the Spanish language from the Center for Human Rights and Constitution Law; and 3) evidence to establish his identity and residence in the United States.

On February 19, 2003, the director issued a Notice of Intent to Deny, which provided the applicant the opportunity to submit evidence establishing he filed a timely written claim for class membership. The applicant, in response, submitted a statement indicating that he filed his application "under the LIFE Act and not under Family Unity."

There is no record of Citizenship and Immigration Services (CIS) having received the Questionnaire Form for Applicants Under CSS and LULAC from either the applicant or the Center for Human Rights and Constitutional Law. CIS has no record generating the Form I-72 submitted by the applicant.. More importantly, file number A93 107 550 relates to another individual according to CIS computer records. As such, this raises serious questions regarding the authenticity of the Form I-72 and supporting documentation.

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.