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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER Date: JAN 12 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.

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 in part:

At the time when I applied for Amnesty during May 1987-May 1988, my application was denied or rejected for the same reasons, now is being question, for using fictitious name and also because I left the country during the Amnesty Program, I was disqualified by both QDE and INS officer...

The applicant further asserts, "when I used the name [REDACTED] was without any bad intention whatsoever, but to work, and cash my payroll check, and was with Rene Amiel's consent." The applicant contends that he is not sure if the evidence submitted with his LIFE application is actually his or [REDACTED]

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). 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.

It is noted that in an attempt to determine if the applicant was eligible for the benefit being sought as a derivative beneficiary, the director reviewed Citizenship and Immigration Records (CIS) records, but was unable to establish any record that the applicant's spouse had filed a timely written claim to class membership.

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 only submitted evidence in to establish his identity and residence in the United States. As previously mentioned in the director's decision, these documents do not service as evidence of a claim to class membership.

In response to a Notice of Intent to Deny issued on August 26, 2003, the applicant claimed that he filed a timely written claim for class membership under the alias, [REDACTED] with the alien registration number, [REDACTED]

The director, in his decision, indicated that the alien registration number provided by the applicant did not belong to him, and that a review of the documents contained in [REDACTED] did not coincide with the information provided with the applicant's LIFE application. The director also indicated that if the applicant were in fact [REDACTED] he would not be applying for the benefit being sought.

This office has reviewed the record relating to [REDACTED] and concurs with the director's finding. The documents do not coincide with information the applicant has presented throughout the application process.

The record reflects that along with his LIFE application, the applicant submitted a 1986 and 1987 wage and tax statement, which listed the name, [REDACTED]. While it is common knowledge that some aliens have used aliases to gain employment, the burden of proof is on the individual to establish the use of the alias identity. In the instant case, the applicant has not submitted any evidence from the employer, Sal's Auto Upholstery, establishing that the applicant and [REDACTED] are one and the same person. Further, no evidence has been submitted to support the applicant's assertion that he had "[REDACTED] consent" to use his name.

Simply going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I&N Dec. 158, 165 (Comm. 1998) (citing *Matter of Treasure Craft of California*, 14 I&N Dec. 190 (Reg. Comm. 1972)).

Doubt cast on any aspect of the 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. See *Matter of Ho*, 19 I&N Dec. 582 (BIA 1988).

It is concluded that the applicant's assertions do not establish that he actually filed a written claim for class membership, as required in section 1104(b) of the LIFE Act. For failure to meet this statutory requirement, 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.