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U.S. Citizenship
and Immigration
Services

L2

FILE:



Office: NATIONAL BENEFITS CENTER

Date: FEB 22 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:

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 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 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 and commenced residing in the United States *prior to January 1, 1982*. On the applicant's G-325A Biographic Information Form, dated and signed by the applicant on April 18, 2003, the applicant indicated that he resided in his native Bangladesh from March 1963 to September 1987. Given the applicant's inability to meet the statutory requirement of residence in the United States since before January 1, 1982, 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.

In support of his LIFE application, the applicant submitted the following photocopied documentation:

- 1) a Form G-56 notice dated June 4, 1993, purportedly issued on June 4, 1993 by the New York City office of Citizenship and Immigration Services (CIS) informing the applicant that an interview date of September 8, 1993 had been scheduled in order to determine subclass membership;
- 2) a Legalization Front-Desk Questionnaire allegedly signed by the applicant on July 12, 1999;
- 3) a Form I-687 application purportedly signed by the applicant on December 10, 1987;
- 4) a Form for Determination of Class Membership purportedly signed by the applicant on May 15, 1993; and
- 5) documentation from acquaintances attesting to the applicant's residence in the United States during the requisite period.

While the documentation from acquaintances may attempt to serve as evidence of the applicant's residency, 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, neither the Form I-687 nor the Form G-56 includes 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 the photocopied Form G-56 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. In addition, the Form for Determination of Class Membership does not indicate the issuing office or include the signature of any CIS officer. As such, the photocopied documents the applicant has submitted cannot be authentic.

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. In addition, for failure to meet the 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.