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U.S. Citizenship
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Services

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FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant: [Redacted]

JAN 09 2006

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 initially denied by the Director, Missouri Service Center and then remanded by the Administration Appeals Office (AAO). The director's subsequent decision to recommend that the application be denied again has been certified to the AAO. This decision will be affirmed

In his initial decision, 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 reaffirmed the veracity of his claim to having filed a written claim for class membership. The applicant provided copies of documents that were previously provided along with a notice dated March 15, 1999 regarding his failure to establish class membership.

The case was remanded by the AAO, as the director, in his decision, did not specify any deficiencies in the documents submitted by the applicant.

In the subsequent certified decision, the director concluded that the evidence provided by the applicant failed to establish that he filed an actual written claim for class membership in a timely manner.

The applicant has neither addressed nor provided any evidence to overcome the director's certified decision.

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 presented: 1) a Form G-56 dated May 24, 1998, from the Los Angeles Office, which indicated the reason for an appointment on August 9, 1998 as "To submit your application for amnesty as a *CSS vs. Reno* or *LULAC vs. INS* class member." 2) a notice dated August 9, 1998 which purportedly informed the applicant that he had failed to establish class membership; and 3) evidence to establish his identity and residence in the United States.

In response to a Notice of Intent to Deny issued on February 6, 2002, the applicant submitted copies of documents that were previously provided along with copies of a PS Form 3806, receipt for registered mail dated November 28, 1981, and a Form I-797C which related to the receipt of his LIFE application on December 31, 2001. The applicant also submitted a personal statement asserting that he had been in the United States since prior to January 1, 1982, and was eligible for permanent resident status under the LIFE Act

On appeal, the applicant submitted a notice dated March 15, 1999, which listed the applicant's name and an alien registration number, [REDACTED] that purportedly informed the applicant of his ineligibility for an employment card due to his failure to establish class membership.

In his certified decision, the director mentioned that while the Form G-56 and the notice issued on August 9, 1998 could possibly be considered as evidence of having made a written claim for class membership, none of these

submissions include a Citizenship and Immigration Services (CIS) Alien Registration Number (A-number, or file number) for the applicant, as required in 8 C.F.R. § 245.14(b). There was no record of the legacy Immigration and Naturalization Service generating any of the notices listed above or of the applicant attending an interview on August 9, 1998. The director noted that the evidence submitted to establish the applicant's residence and identity along with his personal statement did not constitute a timely written claim to class membership prior to October 1, 2000. The director further noted that all appropriate indices and files were checked and it was determined that the alien registration number [REDACTED] neither belonged to nor was ever assigned to the applicant.

It is noted that according to the director, the Los Angeles Office was not open for business on May 24, 1998 or August 9, 1998. As such, the documents submitted are questionable and lack credibility.

These factors undermine the credibility of the applicant's claim to have submitted a written claim for class membership. 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).

The applicant has failed to submit documentation, which credibly establishes his having filed a timely written claim for class membership in one of the aforementioned legalization class-action lawsuits. Accordingly, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

ORDER: The certified decision recommending the denial of the application for permanent resident status is affirmed.