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U.S. Department of Homeland Security
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U.S. Citizenship
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Services

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FILE:



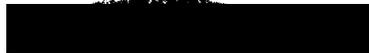
Office: NATIONAL BENEFITS CENTER

Date:

JAN 12 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. 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 that he filed a timely written claim for class membership prior to October 1, 2000. The applicant states that in 1993 he took his Form I-687 application to the Los Angeles Office and at the time of his interview, the officer informed him "that this was not a law and that it will be hard to get any type of documents thru this way, he also say that everything was going to be cancelled and that I didn't have a chance."

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.

The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification. See 8 C.F.R. § 245a.12(e). An alien applying for adjustment of status under section 1104 of the LIFE Act has the burden of proving his or her eligibility by a preponderance of the evidence.

Along with his LIFE application, the applicant submitted copies of: 1) an undated Form I-72 which listed the applicant's name and an alien registration number [REDACTED] and 2) a Form G-56 dated November 5, 1993, which indicated the reason for a new appointment on March 16, 1994 as "To submit your application for amnesty as a *CSS vs. Reno* or *LUCLAC vs. INS* class member."

In response to a Request for Evidence dated October 2, 2003, the applicant submitted copies of a Form I-687 Application for Status as Temporary Resident dated October 15, 2003 and an undated Form for Determination of Class Membership.

The director, in denying the application, asserted that there was no evidence that the Form I-687 application or the Form for Determination of Class Membership were ever received by the legacy Immigration and Naturalization Services and the alien registration number [REDACTED] never issued to the applicant.

It must be noted that Citizenship and Immigration Services records reflect that the alien registration number, [REDACTED] issued to another individual in 1991; two years before the applicant claimed that he attempted to file his application. As such, the documentation presented by the applicant raises questions of credibility.

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 of documents the applicant has submitted are lacking in credibility and 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.