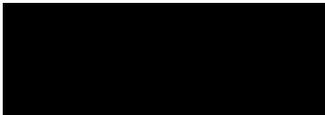


12

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

PHOTOCOPY

ADMINISTRATIVE APPEALS OFFICE  
CIS, AAO, 20 Mass, 3/F  
425 I Street, N.W.  
Washington, D.C. 20536



Identify the...  
Prevent...  
Invasion of personal privacy

FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date: DEC 03 2003

IN RE: Applicant: VERONICA SANTOS

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: Attached is the decision rendered on your appeal. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

*Robert P. Wiemann*  
for

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was originally denied by the Director, Missouri Service Center and subsequently remanded by the Administrative Appeals Office (AAO). The director's subsequent decision of denial has been certified to the AAO. This decision will be affirmed.

In his initial decision, the director concluded the applicant had not established that she 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 from the director's initial decision, the applicant asserted that she had filed a written claim for class membership in the CSS case -- one of the three requisite legalization class-action lawsuits. In addition, she stated that she qualified for permanent resident status under the LIFE Act on a derivative basis as the spouse of one who had previously filed a claim for class membership.

In his subsequent decision, the director concluded that the evidence provided by the applicant failed to establish that she or any member of her family filed an actual written claim for class membership in a timely manner.

The applicant has not responded to the director's subsequent decision. Therefore, the record must be considered complete.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). See 8 C.F.R. § 245a.10.

That regulation also provides that, in the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership before October 1, 2000. However, the applicant must establish that the family relationship existed at the time the spouse or parent initially attempted to apply for temporary residence (legalization) in the period of May 5, 1987 to May 4, 1988.

The applicant failed to submit any documentation addressing this requirement when the application was filed. On rebuttal to a notice of intent to deny, the applicant provided a photocopy of a letter dated September 19, 2000, supposedly sent to Attorney General Reno, requesting that the applicant be registered in the CSS v. Meese case. Pursuant to 8 CFR § 245a.10, a written claim for class membership means a filing, in writing, in one of the forms listed in § 245a.14 which provides the Attorney General with notice that the applicant meets the class definition in the cases

of CSS, LULAC or Zambrano. The letter does not constitute a "form" and does not equate to the actual forms listed in 8 CFR § 245a.14, although that regulation also states other "relevant documents" may be considered. However, the very brief letter does not even begin to imply that the applicant could qualify for CSS v. Meese class membership because it does not provide any relevant information upon which a determination could be made.

Moreover, the applicant does not explain *why*, if this letter were truly in her possession the entire time, she did not submit it with her LIFE application, as applicants were advised to provide evidence with their applications. In addition, it must be noted that the applicant is one of many aliens who did not furnish such identically-worded letters (virtually all dated from September 14th to September 25th, 2000) with their LIFE applications, and yet provided them only upon receiving letters of intent to deny. In addition, none of these aliens have provided any evidence, such as postal receipts, which might help demonstrate that the letters were actually sent to the Attorney General. Given the importance of the letters, it would be reasonable to conclude that at least some of the aliens would have sent them via certified or registered mail.

These factors raise grave questions about the authenticity of the letter that the applicant purportedly sent to the Attorney General. 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).

In his decision, the director also determined that there was no evidence the applicant or her spouse had ever filed a written application for class membership. The director also noted that an examination of the record indicates the applicant and her spouse were not married until February 16, 1990. As the family relationship did not exist as of May 4, 1988, the applicant cannot claim class membership as a derivative alien pursuant to 8 C.F.R. § 245a.10.

Given her failure to establish that she filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

**ORDER:** The decision is affirmed. The appeal is dismissed. This decision constitutes a final notice of ineligibility.