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

Identifying information should be redacted to
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invasion of personal privacy

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



FILE:

Office: National Benefits Center

Date: **DEC 05 2003**

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

PUBLIC COPY

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, Director
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Missouri Service Center, and is now before the Administrative Appeals Office (AAO) 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 reaffirms his eligibility for permanent resident status under the LIFE Act as one who has applied for class membership in the CSS/LULAC class-action lawsuit. The applicant submits documentation in support of his appeal.

An applicant for permanent resident status under section 1104 of 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 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 (LULAC) v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc. (CSS)*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano (Zambrano)*, 509 U.S. 918 (1993). See 8 C.F.R. § 245a.10.

Along with his LIFE application, the applicant provided the following:

- 1) a photocopy of an employment letter signed by [REDACTED] stating that he had employed the applicant in the performance of an unspecified number of man-days of qualifying agricultural services as a special agricultural worker in the period from May 1, 1985 to May 1, 1986;
- 2) a photocopy of a notice from the New York City office of Citizenship and Immigration Services (CIS) acknowledging receipt from the applicant of a Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker under Section 210 of the Immigration and Nationality Act (INA), in which the only legible date is November;
- 3) a photocopy of a Form I-797 Notice of Action dated October 3, 1991 from CIS's Vermont Service Center informing the applicant that a previously scheduled interview to determine eligibility for class

membership under *CSS/LULAC* would be cancelled and rescheduled for another date;

- 4) a photocopy of a Form I-797 Notice of Action dated February 26, 1996 from the Vermont Service Center informing the applicant that the motion and corresponding fee that he submitted to reopen a previously denied application for temporary resident status under either section 210 or 245A of the INA had been rejected; and,
- 5) a photocopy of a Form I-797 Notice of Action dated May 20, 1996 from the Vermont Service Center informing the applicant that the motion and corresponding fee that he submitted to reopen a previously denied application for temporary resident status under either section 210 or 245A of the INA had been rejected.

However, while such documents could possibly be considered as evidence of having made a written claim for class membership, none of these submissions include a CIS Alien Registration 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 notices listed above or receiving any of the various applications allegedly submitted by the applicant. Clearly, the applicant did not file the special agricultural worker application. If he had, a file would have been created at that point. As he did not file that application, he could not have filed a motion to reopen such an application. The photocopies the applicant has submitted regarding that application and motion are fraudulent. Moreover, the fact that the applicant did not submit either originals or photocopies of the applications and corresponding money orders which were purportedly rejected by CIS and returned to him only serves to undermine the credibility of his claim to have submitted such applications.

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).

Subsequently, in response to the notice of intent to deny, the applicant submitted copies of previously submitted documentation, as well as the following new documents:

- 1) a photocopied Form I-687 application for status as a temporary resident under section 245A of the INA,

which was purportedly signed by the applicant on August 25, 1987;

- 2) a photocopy of the front page of a Form I-705 employment affidavit for special agricultural workers reflecting that the applicant performed 98 man-days of qualifying agricultural services for [REDACTED] at Hendrix Farms from October 1985 to April 1986;
- 3) a photocopy of an interview notice reflecting that the applicant was to be interviewed at the New York City office of the Service (now Citizenship and Immigration Services, or CIS) initially on May 24, 1993, and then subsequently on December 29, 1993, regarding the question of his eligibility for class membership in CSS/LULAC; and,
- 4) a Legalization Front-Desking Questionnaire allegedly signed by the applicant on April 13, 1993.

However, the applicant provides no explanation whatsoever as to why, if he truly had these documents in his possession the entire time, he did not submit them with his LIFE application. Applicants were instructed to provide qualifying evidence with their applications and the applicant did include other supporting documentation with his LIFE Act application. Once again, the applicant is utilizing fraudulent documents in an attempt to establish that he filed a written claim to class membership.

It is further noted that the applicant is one of many aliens residing in New York City who have furnished such questionable photocopied documents with their LIFE applications. None of these applicants had pre-existing files with CIS prior to filing their LIFE applications, in spite of the fact that they all claim to have previously filed numerous applications or questionnaires with CIS. These factors raise serious questions regarding the authenticity of the applications and supporting documentation.

Moreover, on the applicant's G-325A Biographic Information Form, he indicated that he had resided in his native Bangladesh from October 1959 until October 1985. Pursuant to 8 C.F.R. § 245a.11(b), each applicant for permanent resident status under the LIFE Act is required to demonstrate that he or she entered and commenced residing in the United States prior to January 1, 1982. Given the applicant's inability to meet this 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.