

L2

U.S. Department of Homeland Security

Citizenship and Immigration Services

Identifying data deleted to prevent disclosure of information in violation of personal privacy



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

DEC 1 2003

FILE [Redacted]

Office: National Benefits Center

Date:

IN RE: Applicant: [Redacted]

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 Lee Artis Breedlove 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 dated November 18, 1988, from the New York City office of the Immigration and Naturalization Service (now Citizenship and Immigration Service, or 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);
- 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 November 2, 1994, from the Vermont Service Center informing the applicant that his \$70.00 money order was being returned to him because his application for employment authorization, Form I-765, did not require a fee; and,
- 5) a photocopy of a Form I-797 Notice of Action dated May 23, 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, otherwise known as a 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 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 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 that 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 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 Lee Artis Breedlove at Hendrix Farms from October 1985 to April 1986;

- 2) a photocopy of Lee Artis Breedlove's United States Department of Labor, Farm Labor Contractor Certificate of Registration, which had been issued on June 29, 1987, and had an expiration date of August 31, 1988;
- 3) a photocopied Form I-687 application for status as a temporary resident under section 245A of the INA, that was signed by the applicant and listed dates up until December 7, 1992, his daughter's date of birth;
- 4) a photocopy of a form letter signed by the applicant that appears to bear a receipt stamp for February 13, 1996 from the Vermont Service Center, which requests the reopening of previously denied special agricultural worker applications;
- 5) a photocopy of a form letter signed by the applicant and dated March 18, 1996, that was purportedly sent to the AAO and asked for reconsideration of a previously denied special agricultural application;
- 6) a photocopy of a court order dated March 29, 1996, that was issued by the United States District Court for the Southern District of New York in which CIS was directed to reopen and readjudicate previously denied special agricultural worker applications of those aliens named as plaintiffs in the matter; and,
- 7) a photocopy of a *New York Daily News* article dated April 3, 1996, which references the court order discussed in the paragraph above.

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. Moreover, it must be reiterated that there is no record of CIS ever receiving any of the applications or correspondence allegedly submitted by the applicant. Once again, the applicant is utilizing documents in a

fraudulent manner 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 March 1958 until June 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.