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

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



NOV 14 2003

File: [Redacted]

Office: National Benefits Center

Date:

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 Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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.

*Handwritten signature of Robert P. Wiemann*

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 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, the applicant states that she has submitted documentation establishing prima facie evidence that she had requested class membership. According to the applicant, she has not received any specifics on why she is being denied or what part of her documentation is not acceptable. The applicant requests that her application be given further consideration.

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.

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 23, 2000, supposedly sent to Attorney General Reno, requesting that the applicant be registered in the CSS case. Pursuant to 8 C.F.R. § 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 C.F.R. § 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* 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 in the same typeface (virtually all dated from September 14 to September 25th, 2000) with their LIFE applications and yet provided them only upon receiving letters of intent to deny. It is further noted that all of these aliens had their LIFE applications prepared by M.E. Real of Professional Tax Service, Santa Maria, California. 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.

It should also be noted that the statements on appeal submitted by these aliens, all of whom assert that they are not represented by counsel, are identical. 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 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).

On appeal, the applicant claims that she provided information showing her request for classification but has not been given any specifics as to why her application was denied. Contrary to the applicant's claim, there is nothing in the record to indicate that she filed an actual claim for class membership. Furthermore, she was sent, and apparently received, a Notice of Decision, which described in detail why the application was being denied. The center director pointed out that the photocopy of the letter does not establish that the original was ever received by the office of the Attorney General or Citizenship and Immigration Services. The director also stated that a review of all relevant records failed to disclose any indication of the applicant having made a written claim for class membership.

The director also stated that a review of all relevant records, including another file which has been consolidated into the current file, failed to disclose any indication of the applicant having made a written claim for class membership. The applicant timely filed an application for temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act (INA) on March 4, 1988, and this application was subsequently denied on September 4, 1991. The applicant appealed the denial of her application and this appeal was dismissed by the AAO on May 9, 2000. Section 1104 of the LIFE Act contains no

provision allowing for the reopening and reconsideration of a timely filed and previously denied application for temporary resident status as a special agricultural worker under section 210 of the INA. 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.

In addition, it should be noted that the applicant included a copy of her Social Security Administration statement of earnings dated November 27, 2001, with the Form I-485 LIFE Application. This earnings statement reflects that the applicant paid no Social Security or Medicare taxes on any of her earnings prior to 1988. Pursuant to 8 C.F.R. § 245a.11(b), each applicant must demonstrate that he or she entered the United States prior to January 1, 1982. The applicant offers no evidence of any earlier entry into this country. It appears that the applicant is unable to meet this requirement as well.

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