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**U.S. Citizenship  
and Immigration  
Services**

[Redacted]

FILE: [Redacted]

Office: National Benefits Center

Date: **APR 21 2004**

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

**INSTRUCTIONS:**

This is the decision of the Administrative Appeals Office in your case. 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. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant had not established 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 submits some additional documentation which was allegedly "not available" when she filed her application.

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 one 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 section 1104(b) of the LIFE Act and 8 C.F.R. § 245a.10. Alternatively, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership in one of the legalization lawsuits before October 1, 2000. 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.

In her LIFE application (Form I-485) the applicant identified "*Zambrano vs. INS*" as the basis of her eligibility for permanent resident status. The applicant also stated that she was claiming derivative eligibility through her husband, [REDACTED] who had also filed a LIFE application [REDACTED]. The applicant submitted no evidence, however, either with her LIFE application or in response to the director's Notice of Intent to Deny, that she or her husband had applied for class membership in the *Zambrano* lawsuit. The application of [REDACTED] has already been denied, both by the Missouri Center and on appeal by the AAO, for failure to establish that he filed a claim for class membership in *Zambrano*, or either of the other two legalization lawsuits, before October 1, 2000.

On appeal, the applicant submits the following materials:

- 1) a photocopied Form I-687 application for status as a temporary resident under section 245A of the Immigration and Nationality Act (INA), allegedly signed by the applicant's husband on November 18, 1988,
- 2) a photocopied Form for Determination of Class Membership in *CSS vs. Meese*, allegedly signed by the applicant's husband on March 10, 1995,
- 3) a photocopied notice from the INS Legalization Office in Los Angeles to the applicant's husband, dated April 17, 1995, purportedly scheduling an interview with him on May 3, 1996 "to submit your application for amnesty as a *CSS vs. Thornburgh* or *LULAC vs. INS* class member," and
- 4) an undated "corroborative affidavit" from an acquaintance of the applicant's husband in connection with his "application based upon my claim of eligibility under the provisions of *CSS vs. Thornburgh*."

The applicant provides no explanation as to *why*, if these documents truly date from 1988 and 1995, as alleged, she did not submit them originally with her LIFE application, or at least in response to the Notice of Intent to Deny. Applicants were directed to submit supporting documentation with their applications and the applicant did submit some other materials at that time. In her appeal the applicant asserts simply, and without elaboration, that the documents were "not available" at the time she filed her application.

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).

Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service, has no record of receiving the I-687 form, the class membership determination form, or the corroborative affidavit from the applicant or her husband at any time prior to October 1, 2000, the statutory deadline to file a claim for class membership in one of the legalization lawsuits. Nor has the applicant furnished any evidence, such as postal receipts or confirmation letters, that any of those forms was sent to INS prior to October 1, 2000, as required to be considered as a timely filed claim for class membership under the LIFE Act. With respect to the interview notice, CIS (INS) has no record of having sent it to the applicant's husband in 1995, or of interviewing him a year later, in 1996. The applicant has provided no details about the alleged interview, or even confirmed that her husband showed up for it. Moreover, the applicant has not explained why, if the interview notice was truly sent to her husband in 1995, she has only submitted a photocopy thereof to this office, rather than the original. Three of the four photocopied documents submitted on appeal, it should be noted, refer to the claim of the applicant's husband for class membership in the *CSS* lawsuit, whereas the applicant's Form I-485 identifies *Zambrano* as the basis of her derivative eligibility for legalization under the LIFE Act. The applicant fails to explain this discrepancy. Lastly, the applicant has not explained *why*, if her husband actually had these documents, he did not furnish them in support of his *own* LIFE application.

For all of the reasons discussed above, it is concluded that *none* of the pertinent photocopies submitted by the applicant on appeal – *i.e.*, the Form I-687, the Form for Determination of Class Membership in *CSS vs. Meese*, the corroborative affidavit, and the interview notice – is a true copy of an authentic document.

Thus, the record does not establish that the applicant or her husband, through whom she asserts derivative eligibility, filed a written claim for class membership prior to October 1, 2000 in one of the requisite legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, as required under section 1104(b) of the LIFE Act.

Accordingly, 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.