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U.S. Department of Homeland Security  
20 Mass. Ave., N.W., Rm. A3042  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services



FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant: [Redacted]

DEC 30 2004

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 office that originally decided your case. 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*

Robert P. Wiemann, Director  
Administrative Appeals Office

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**Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits 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 submits a statement in which he reiterates his claim that he filed a written claim for class membership with the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) prior to October 1, 2000. The applicant provides copies of previously submitted documents in support of the appeal.

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.

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. The regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

Along with his LIFE application, the applicant included a statement in which he claimed that he first entered the United States by crossing the border illegally at Brownsville, Texas on January 10, 1981. The applicant asserted that he continuously resided in this country through October 1988, with only one absence from November 1986 to January 1987, when he returned to the United States by crossing the border illegally. The applicant indicated that he had attempted to apply for temporary residence under section 245A of the Immigration and Nationality Act (INA) in 1987, but was told that he was not eligible because he had left the country. However, while the applicant may have been front-desked (informed that he was not eligible for temporary residence) when he attempted to file a legalization application, this action alone does not equate to having filed a written claim for class membership in any of the requisite legalization class-action lawsuits.

The applicant claimed that he subsequently mailed a Form I-687, Application for Temporary Resident Status Pursuant to Section 245A of the INA to the Service's Vermont Service Center in March 1988. The applicant contended that he received a letter from the Service acknowledging receipt of this application. However, the applicant failed to provide any evidence, such as the receipt letter he claims to have received, to corroborate this contention. In addition, it must be noted that if the applicant had filed a Form I-687 application in March of 1988, such a filing would have been timely as it occurred prior to the termination of the application period on May 4, 1988. The applicant provided no explanation as to why he would have subsequently pursued a claim to class membership, a claim based upon the fact that he had attempted to file a Form I-687 legalization application but had been unsuccessful in doing so as he was informed he was not eligible, if he had filed a timely Form I-687 legalization application in March of 1988 as claimed.

The applicant contended that he visited the Service's Paterson, New Jersey Legalization Office in August 1990 to find out about his case and was provided with a notice to return for an interview on October 16, 1990. The applicant declared that he attended this interview and that Service employees advised him that he was

eligible for class membership and he should contact the LULAC immigration advocacy group. The applicant stated that this group advised him to complete a legalization questionnaire and that he subsequently mailed the questionnaire back to LULAC on September 2, 2000. In support of his assertions, the applicant included photocopies of the following documents with his LIFE Act application:

- a Form I-687 legalization application that is signed by the applicant and dated March 24, 1988, in which he claimed to have been absent from this country on one occasion from November 1986 to January 1987;
- an undated appointment notice from the Service's Legalization Office in Paterson, New Jersey, that bears the applicant's name, address, and date of birth, which scheduled him for an interview between at 8:00 A.M. and 10:00 A.M. on October 16, 1990, regarding the late filing of a legalization application;
- a "LULAC Class Member Declaration" form signed by the applicant and dated October 16, 1990, in which he claimed to have been absent from this country on one occasion from February 4, 1986 to March 28, 1986, and;
- a Legalization Front-Desking Questionnaire that is signed by the applicant and dated September 2, 2000, in which the applicant indicated that he did not submit a Form I-687 legalization application during the application period between May 5, 1987 to May 4, 1988.

These documents are listed in 8 C.F.R. § 245a.14 as examples of documents that may be furnished in an effort to establish that an alien had previously applied for class membership. Although all of the documents provided by the applicant are dated well before October 1, 2000, the record contains no evidence that any of these documents were submitted to the Service or its successor CIS prior to the filing of his LIFE Act application on June 2, 2003. While the applicant claimed that he submitted a timely Form I-687 application to the Service's Vermont Service Center in March 1988, in the statement that was included with his LIFE Act application, he indicated that he did not submit a Form I-687 legalization application during the original application period from May 5, 1987 to May 4, 1988 on his questionnaire. In addition, the applicant has provided conflicting dates for his single absence from the United States within his statement and these documents. Moreover, a review of the relevant records reveals no evidence that the Service issued the undated appointment notice cited above.

As previously discussed, the applicant claimed that he first entered the United States without a visa by crossing the border without inspection at Brownsville, Texas on January 10, 1981. The applicant asserted that he continuously resided in this country through October 1988, with only one absence from November 1986 to January 1987, when he returned to the United States without a visa by crossing the border illegally again. As the *LULAC* lawsuit related to those aliens that reentered this country with visas in the period from January 1, 1982 to May 4, 1988, the applicant would have no reason to have applied for membership in the *LULAC* lawsuit. The applicant provided no explanation as to why he would have sought membership in this legalization class-action lawsuit as it does not relate to aliens who claim, just as he has claimed, to have reentered the United States without a visa after returning from an absence outside this country.

These factors raise serious questions regarding the authenticity and credibility of the supporting documentation, as well as the applicant's claim that he filed for class membership. Given these circumstances, it is concluded that

photocopied documents provided by the applicant in support of his claim to class membership are of questionable probative value.

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).

The applicant has failed to submit documentation which credibly establishes his having filed a timely written claim for class membership in one of the aforementioned legalization class-action lawsuits. 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.