



U.S. Citizenship
and Immigration
Services

22

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

[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

IN RE:

Applicant:

[Redacted]

FEB 1 02004

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:

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 your case 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 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 reaffirms her eligibility for permanent resident status under the LIFE Act as one who has applied for class membership in the CSS class-action lawsuit. The applicant submits documentation in support of her 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) (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 8 C.F.R. § 245a.10.

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

- 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;
- 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);
- 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;
- a photocopy of a Form I-797 Notice of Action dated November 18, 1991, from the Vermont Service Center acknowledging receipt from the applicant of a Form I-687, Application for Temporary Resident Status under Section 245A of the INA (legalization), as well as a Form I-690, Application for Waiver of Grounds of Excludability (now referred to as Inadmissibility);
- a photocopy of a Form I-797 Notice of Action dated March 1, 1996, from the Vermont Service Center informing the applicant that the motion and corresponding fee that she submitted to reopen a previously denied application for temporary resident status under either section 210 or 245A of the INA had been rejected; and,
- 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 she

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 and motions allegedly submitted by the applicant. Clearly, the applicant did not file either the special agricultural worker application or the legalization application. If she had, a file would have been created at that point. As she did not file either application, she could not have filed motions to reopen such applications. The photocopies the applicant has submitted regarding the applications and motions are fraudulent. The fact that the applicant did not submit either originals or photocopies of the applications, motions, and corresponding money orders that were purportedly rejected by CIS and returned to her, only serves to undermine the credibility of her 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 a statement in which she declared that she had made a series of moves to new residences over the years and lost documentation relating to her residence in the United States in the period from 1982 to 1988, as well as evidence of her class membership. The applicant also included a photocopy of a "Form for Determination of Class Membership in *CSS v. Thornburg(Meese)*," that is signed by the applicant and dated April 5, 1993.

However, the applicant offered no explanation as to *why*, if she truly had the "Form for Determination of Class Membership in *CSS v. Thornburg(Meese)*," in her possession since at least April 5, 1993, she did not submit it with her LIFE Act application. Applicants were instructed to provide qualifying evidence *with* their applications and the applicant did include other supporting documentation with her LIFE Act application. Once again, the applicant is utilizing fraudulent documents in an attempt to establish that she 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 Form G-325A, Record of Biographic Information, that was included with the LIFE Act application, the applicant specified that she had resided in her native Bangladesh from September 1962 until February 1995. 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.