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FILE:

Office: National Benefits Center

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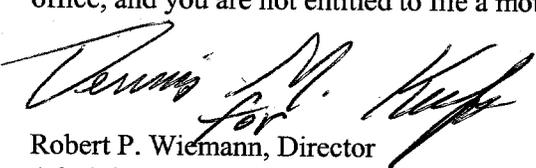
IN RE: Applicant:

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

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. 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 qualifies for LIFE legalization because she "appli[ed] for C.S.S. program in March 1987."

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 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.

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 support of her application, the applicant submitted photocopies of the following pertinent materials: (1) a Form I-687, Application for Status as a Temporary Resident (Under Section 245A of the Immigration and Nationality Act), and (2) a Form for Determination of Class Membership in *CSS v. Meese*. These documents are listed in 8 C.F.R. § 245a.14 as examples of evidence which may be furnished in an effort to establish that an alien applied for class membership prior to October 1, 2000. The applicant has not demonstrated, however, that she ever submitted those documents to the Immigration and Naturalization Service (now Citizenship and Immigration Services, or CIS) before the instant application was filed on June 7, 2002. CIS has no record of receiving the documents before then.

Moreover, the dates typed on the two documents raise fundamental questions about their authenticity. The Form I-687, which served as the application for legalization under the Immigration Reform and Control Act of 1986 ("IRCA"), was signed by the applicant and purportedly dated "March 1987." The filing period for applications under IRCA did not commence until May 1, 1987, however, and the form signed by the applicant was not even published until June 15, 1987. In addition, the applicant asserted on the form that she had to go to Mexico to see her ill brother in July 1987 and that she lived at a certain address in California from "October 1987 to present." Both of those dates fall after the purported date of her signature in March 1987. As for the second form, for the determination of class membership in *CSS v. Meese*, it also bears the signature of the applicant and is purportedly dated "March 1987." But the form asks specific questions about the applicant's conduct between May 1, 1987 and May 4, 1988 (the filing period under IRCA) which show that the form was not even created until after May 4, 1988. So the date given by the applicant next to her signature, like that in the Form I-687, is false. Thus, it is clear that neither of the two forms was filled out and dated by the applicant in March 1987, as alleged.

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). In the instant case, however, the applicant has not explained the irreconcilable dates and information she provided in her I-687 and determination of class membership forms, nor furnished any

evidence that either of the forms was filed with CIS before October 1, 2000. Neither has the applicant furnished any other documentation demonstrating that she filed a written claim for class membership in *CSS* before October 1, 2000.

Given her failure to establish that she filed a timely written claim for class membership in one of the requisite legalization lawsuits, 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.