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U.S. Citizenship
and Immigration
Services



LR

FILE:



Office: MISSOURI SERVICE CENTER

Date: **11 20 2004**

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. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

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, 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 he 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 his eligibility for permanent resident status under the LIFE Act as one who has applied for class membership in the CSS/LULAC class-action lawsuit. The applicant provides affidavits from three acquaintances who attest to the applicant's residence in the United States along with a photocopy of an interview notice dated June 4, 1993, reflecting that the applicant was to be interviewed at the New York City office of Citizenship and Immigration Service (CIS) on September 8, 1993 to determine his eligibility for class membership in CSS/LULAC;

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) (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 his LIFE application, the applicant provided documentation to establish his identity and residence in the United States along with the following:

- 1) a photocopied 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;
- 2) a photocopied Form I-687 Application for status as a temporary resident under section 245A of the Immigration and Nationality Act (the Act) signed by the applicant on February 10, 1988; and
- 3) a photocopied Legalization Front-Deskling Questionnaire allegedly signed by the applicant on January 20, 1999.

While such documents could possibly be considered as evidence of having made a written claim for class membership, none of these submissions include an Alien Registration Number (A-number, or file number) for the applicant, as required in 8 C.F.R. § 245.14(b). There is no record of the Immigration and Naturalization Service, now CIS, generating the photocopied Form I-797 notice or receiving the Legalization Questionnaire and Form I-687 application allegedly submitted by the applicant. Moreover, the applicant's failure to submit either the original or a photocopy of the corresponding money order for the Form I-687 Application, which was purportedly rejected and returned by CIS, further undermines the credibility of his claim to have submitted such application. As such, the photocopy documents the applicant has submitted cannot be authentic.

The applicant also submitted a Form for Determination of Class Membership in *CSS vs. Meese* questionnaire purportedly signed by the applicant on February 10, 1988. However, it must be noted that at the time the applicant claimed to have submitted said form, *CSS vs. Meese* class-action lawsuit had not been decided. Thus, this form lacks credibility and is not authentic.

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 response to the Notice of Intent to Deny issued on May 30, 2003, the applicant submitted additional evidence to establish his residence in the United States along with copies of documents that were previously provided. The applicant also submitted a statement addressing his attempts to file for class membership prior to October 1, 2000.

As previously mentioned in the director's Notice of Decision, the documentation submitted throughout the application process may attempt to establish the applicant's identity and residency, but they do not serve as evidence of a 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. In addition, despite the absence in these files of any Form G-28, Notice of Entry of Representation, the statements on appeal from these aliens are nearly identical in language and content. These factors raise even more serious questions regarding the authenticity of the applications and supporting documentation.

It is concluded that the photocopies the applicant has submitted do not establish that he actually filed a written claim for class membership in *CSS/LULAC*, as required in section 1104(b) of the LIFE Act. For failure to meet this statutory requirement, 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.