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



**JUL 20 2004**

FILE:

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant:

PETITION: 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. 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, 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 submits a separate statement, in which he asserts that the evidence he has submitted is sufficient to establish his eligibility for permanent resident status under the LIFE Act as one who has filed a timely claim for class membership in the LULAC class-action lawsuit.

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.

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.

With his LIFE application, the applicant submits a photocopied Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA), which is signed by the applicant on June 29, 1989. This photocopied submission provided by the applicant may be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. 245a.14(d). However, in this case, an examination of administrative and electronic records of Citizenship and Immigration Services or CIS (formerly, the Immigration and Naturalization Service or INS or the Service) fails to disclose any evidence of this applicant ever having previously filed such application with this agency.

In rebuttal to the notice of intent to deny, the applicant submitted a photocopied LULAC Class Member Declaration, which is signed by the applicant on June 20, 1990. However, as with the applicant's previously-submitted I-687 application, there is no evidence in CIS records that this class member declaration was ever submitted by the applicant or received by this agency.

On appeal, the applicant submits the following:

- a photocopy of an undated notice reflecting that the applicant was to be interviewed at INS's New York City Legalization Office at 11:45am on October 19, 1990, regarding the question of his eligibility for class membership in LULAC; and
- a photocopy of a Legalization Questionnaire, which is signed by the applicant on August 1, 2000.

Pursuant to 8 C.F.R. § 245a.14(d), certain photocopied agency communications, such as the LULAC interview notice from the New York Legalization Office of INS, submitted by the applicant on appeal, *may* be considered as evidence of having made a written claim for class membership. However, in this case, there is no indication in CIS records that the notice was ever issued to the applicant or that the applicant was ever interviewed in connection with having filed a claim for class membership in LULAC. In addition, the applicant provides no explanation whatsoever as to *why*, if he truly had this interview notice in his possession the entire time, he did not submit it at the time he filed his LIFE application. Applicants were instructed to provide any and all qualifying evidence with their applications. Submitting such documentation so late in the application process, *i.e.* only after his LIFE application had been denied, serves to create considerable skepticism regarding the authenticity and credibility of the applicant's documentation.

The Legalization Questionnaire, submitted by the applicant on appeal, was purportedly signed by the applicant on August 1, 2000. Although the form itself is a photocopy, the document is completed and signed in ink. As such, this is an *original* document, rather than a photocopy of what the applicant is claiming he had submitted in the past. If the applicant had actually filed a Legalization Front-Desk Questionnaire with CIS on August 1, 2000 or prior to October 1, 2000, a file would normally have been created at that point and the applicant would only have photocopies to furnish now in this LIFE proceeding. However, an examination of CIS records fails to disclose any evidence of this applicant having previously filed such form. In fact, no CIS file was ever created in the name of the applicant until he filed this LIFE application on November 25, 2002. The applicant's failure to resolve or explain these inconsistencies and discrepancies creates further questions involving the credibility of the applicant's documentation and claim.

Doubt cast on any aspect of the petitioner's proof may lead to a reevaluation of the reliability and sufficiency of the remaining evidence offered in support of the visa petition. It is incumbent upon the petitioner 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).

The applicant has failed to submit documentation which credibly establishes her 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.