

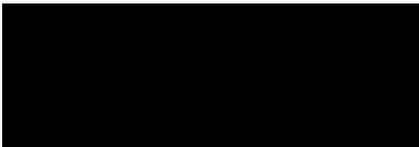
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U.S. Citizenship
and Immigration
Services



LA

FILE: [REDACTED]

Office: NATIONAL BENEFITS CENTER

Date: JUN 01 2004

IN RE: Applicant: [REDACTED]

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, Missouri Service Center, reopened, and denied again by the Director, National Benefits Center. The matter is now before the Administrative Appeals Office 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 states he did file for class membership prior to October 1, 2000. The applicant asserts he did not include his "old" Form I-687 Application and a copy of his Form for Determination of Class Membership with his LIFE Application because "I had them in Mexico." The applicant requests that his application be reconsidered.

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 his LIFE Application, the applicant submitted a G-325A, Biographic Information Form, Rejection Notices for a previously filed Form I-485 and Form 765 Application, and evidence to establish his identity and residence in the United States. None of these documents, however, establish that the applicant filed a timely written claim to class membership prior to October 1, 2000.

In response to the initial Notice of Intent to Deny issued on July 18, 2002, the applicant provided a photocopy of a letter dated July 23 2000, supposedly sent to former Attorney General Reno, requesting that the applicant be registered in the CSS v. Meese class-action lawsuit. Pursuant to 8 CFR § 245a.10, a *written claim for class membership* means a filing, in writing, in one of the forms listed in § 245a.14 which provides the Attorney General with notice that the applicant meets the class definition in the cases of *CSS*, *LULAC* or *Zambrano*. The letter does not constitute a "form" and does not equate to the actual forms listed in 8 CFR § 245a.14, although that regulation also states other "relevant documents" may be considered. However, the very brief letter does not even begin to imply that the applicant could qualify for CSS v. Meese class membership because it does not provide any relevant information upon which a determination could be made.

Moreover, the applicant does not explain *why*, if this letter were truly in his possession the entire time, he did not submit it with his LIFE application, as applicants were advised to provide evidence *with* their applications. In addition, it must be noted that the applicant is one of many aliens who did not furnish such identically-worded letters with their LIFE applications, and yet provided them only upon receiving a Notice of Intent to Deny. It is further noted that all of these aliens had their LIFE applications prepared by [REDACTED] of Professional Tax Service, Santa Maria, California. In addition, none of these aliens have provided any evidence, such as postal receipts, which might help demonstrate that the letters were actually sent to the Attorney General. Given the importance of the letters, it would be reasonable to conclude that at least some of the aliens would have sent them via certified or registered mail.

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).

In response to the Notice of Intent to Deny issued on June 27, 2003, the applicant submitted a copy of: 1) a Form I-687 Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act (Act) purportedly signed by the applicant on February 25, 1988; 2) a Form for Determination of Class Membership in CSS vs. Meese purportedly signed by the applicant on March 15, 1995; 3) a document titled Corroborative Affidavit which described the applicant's purported attempt to have applied for legalization during the actual filing period of May 5, 1987 to May 4, 1988; and 4) an interview notice dated March 17, 1995, reflecting that the applicant was to be interviewed at the Los Angeles Office of the Immigration and Naturalization Service, now Citizenship and Immigration Service (CIS) on March 20, 1996 regarding the question of his eligibility for class membership in CSS/LULAC;

While the notice purportedly issued by the Los Angeles Office could possibly be considered as evidence of having made a written claim for class membership, the notice does not include a CIS Alien Registration Number (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 notice listed above or evidence of the applicant's attempt to file a Form I-687 Application. It is concluded that the photocopied documents the applicant has submitted in response to the Notice of Intent to Deny do not establish that he actually made a written claim for class membership.

Given his failure to establish that he filed a written claim for class membership, 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.