U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

U.S. Citizenship and Immigration Services

[redacted]

JUN 4 2004

FILE: [redacted] Office: NATIONAL BENEFITS CENTER Date:

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. 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 was reopened and denied again by the Director, National Benefits Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

In both decisions, the directors 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 of the initial decision, the applicant requests additional time in which to respond to the service center director's decision, asserting that the individual who would have represented her and assisted her with the presentation of her appeal had passed away.

The applicant does not respond to the subsequent decision.

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 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.

In response to the service center director's initial Notice of Intent to Deny, the applicant submitted a photocopy of a marginally-legible Notice of Review Decision purportedly issued to her by the director of the Vermont Service Center of the Immigration and Naturalization Service or the Service (now, Citizenship and Immigration Services or CIS). The notice acknowledges the applicant having submitted a signed and dated legalization questionnaire on December 28, 2000. According to this communication, the applicant claimed in her questionnaire that she had attempted to file a legalization application during the May 5, 1987 to May 4, 1988 filing period at a Service office, but that her application was rejected by a Service officer. Additionally, the notice indicates that according to Service records, the applicant did in fact file a timely legalization application which was subsequently denied on October 15, 1990.

There is no indication in the record that the applicant ever filed a legalization questionnaire with the Service. In any case, a legalization questionnaire filed on December 28, 2000 would have been untimely, having been filed *subsequent* to the October 1, 2000 deadline for filing for class membership. Moreover, notwithstanding the information conveyed in the photocopied notice, there is no indication in CIS administrative or electronic data files that the applicant ever submitted a timely legalization application which was subsequently denied by the Service.

With her application, the applicant provided a photocopy of an employment form letter signed by farm labor contractor Charlie Vail, indicating the applicant performed agricultural employment picking green beans from November 1, 1985 to May 1, 1986. Such a letter would normally have accompanied a Form I-700 Application for Temporary Resident Status as a Special Agricultural Worker (SAW) under section 210 of the Immigration and Nationality Act (INA). It is also noted that that, while the employer's signature and employment data are photocopied, the applicant's name is not photocopied but is recorded in ink. Thus, the letter constitutes an *original* document, rather than a photocopy of what the applicant is evidently claiming she had submitted in the past in support of an allegedly previously-submitted SAW application.

Clearly, the applicant did *not* file *any* application for legalization -- either a SAW application or an application for temporary resident status under section 245A of the INA. If she had, an Alien Registration File (or A-file) would have been created at that point. Under the circumstances, it is clear that the photocopied documentation submitted by the applicant regarding her purported attempts at applying for legalization or class membership is *not* authentic and cannot support her claim.

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).

It is concluded that the photocopied documentation the applicant has provided does not establish that she actually filed a timely written claim for class membership in any of the aforementioned class-action lawsuits. The applicant is, therefore, ineligible for adjustment to permanent resident status under section 1104 of the LIFE Act.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.