



U.S. Citizenship  
and Immigration  
Services

LA



FILE: [Redacted] Office: National Benefits Center Date: 07/30/2004

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. The file has 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

IDENTIFYING CHARACTERS  
PREVENT CLEARLY VISIBLE  
REVEALATION OF PERSONAL PRIVATE

PUBLIC CASE

**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 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.

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.

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.

The applicant failed to submit any documentation addressing this requirement when the application was filed. The applicant on appeal submitted a Form I-687 and a Form for Determination of Class Membership in CSS v. Reno, both purportedly signed by him on April 16, 1996. Citizenship and Immigration Services (CIS) has no record of receiving the I-687 or the CSS class membership determination form from the applicant in 1996. Nor has the applicant furnished any evidence, such as a postal receipt or an acknowledgement letter that the forms were ever sent to CIS prior to the statutory deadline of October 1, 2000, for claiming class membership in CSS.

On rebuttal to a notice of intent to deny, the applicant provided a photocopy of a letter dated September 23, 2000, supposedly sent to former Attorney General Reno, requesting that the applicant be registered in the CSS v. Meese case. Pursuant to 8 C.F.R. § 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 C.F.R. § 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 and the two documents listed above were truly in his possession the entire time, he did not submit them 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 to former Attorney General Reno in the same typeface with their LIFE applications, and yet provided them only upon receiving letters 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. These factors raise grave questions about the authenticity of the letter that the applicant purportedly sent to the Attorney General.

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).

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.

The applicant timely filed an application for temporary resident status as a special agricultural worker (SAW) under section 210 of the INA on April 4, 1988. That application was subsequently denied. The applicant appealed the denial of his application, and the appeal was dismissed by the Legalization Appeals Unit of the Office of Administrative Appeals in Washington, D.C., the AAO's predecessor office, on November 22, 1999. An application for SAW status does not constitute an application for class membership in any of the legalization class-action lawsuits. Furthermore, section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of a previously filed and denied application for temporary resident status as a special agricultural worker under section 210 of the INA.

Section 1104(c)(2)(B)(i) of the LIFE Act provides that each applicant for permanent resident status must establish that he or she entered and commenced residing in the United States in an unlawful status since before January 1, 1982 through May 4, 1988. On his SAW application, the applicant indicates that he resided abroad from at least May 1, 1983 until he entered the United States from Mexico in October 1984 to reside in Solvang, California. Given the applicant's inability to meet the statutory requirement of continuously residing in the United States in an unlawful status since before January 1, 1982 through May 4, 1988, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act for this additional reason.

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