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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

PUBLIC COPY

MAR 11 2004

FILE:

Office: National Benefits Center

Date:

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. 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 is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant had not established 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, the applicant asserts that she applied for class membership in the CSS lawsuit, *infra*, and that she had already submitted "more than enough evidence" to establish her prima facie case. The applicant stated that a separate brief with additional documentation would be submitted within 30 days. More than ten months later, however, no brief or additional documentation has been submitted.

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.

In her LIFE application the applicant referred to CSS as the basis of her eligibility under the LIFE Act, but submitted no documentary evidence that she filed a claim for class membership in that lawsuit. In response to the director's notice of intent to deny the applicant submitted (a) a letter asserting that she had "register[ed] for CSS benefits" with the Immigration and Naturalization Service (INS) in 1994 and received an appointment date in 1995 and (b) a photocopy of an interview notice from INS, dated July 13, 1994, purportedly scheduling an appointment for the applicant at a Legalization Office in Los Angeles on February 17, 1995, "[t]o submit your application for amnesty as a CSS v. Thornburgh or LULAC v. INS class member."

There is no record at Citizenship and Immigration Services (CIS), successor to the INS, that the applicant filed a claim for class membership in 1994, 1995, or at any time thereafter. CIS has no record of issuing an interview notice to the applicant in July 1994, scheduling a CSS/LULAC-related interview for February 1995, or interviewing her. Nor does the applicant assert that she was actually interviewed. No A-file was created for the applicant by CIS until the instant LIFE application was filed in 2002.

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).

On December 12, 2003, the AAO sent a letter to the applicant requesting that she furnish the original interview notice allegedly issued by the INS on July 13, 1994. The applicant was given 30 days to respond. More than 60 days later, however, the applicant has failed to respond to the AAO's letter or submit the requested document. In her letter to CIS in response to the director's notice of intent to deny, the applicant stated that the interview notice was sent by the INS to her. If that was the case, there is no

reasonable explanation of why she would only have a photocopy of the notice, rather than the original document. The fact that no A-file was created for the applicant until the instant LIFE application was filed, in 2002, further undermines the credibility of the applicant's assertion that the INS actually sent her a notice relating to *CSS* or *LULAC* in 1994.

It is concluded, based on the entire record in this case, that the photocopied interview notice submitted by the applicant is *not* a true copy of an authentic document.

For the reasons discussed above the applicant has failed to establish that she filed a written claim for class membership prior to October 1, 2000, in *CSS*, *LULAC*, or the other legalization lawsuit, *Zambrano*, as required under section 1104(b) of the LIFE Act.

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.