

**PUBLIC COPY**  
**identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**

U.S. Department of Homeland Security  
20 Mass, Rm. A3042, 425 I Street, N.W.  
Washington, DC 20536

U.S. Citizenship  
and Immigration  
Services



FILE:



Office: National Benefits Center

Date:

**MAR 16 2004**

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 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 asserts that he applied for class membership in the *CSS* lawsuit, *infra*, and requests that his case be reconsidered.

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 did not submit any information in his LIFE application, nor any documentary evidence, that he filed a claim for class membership in one of the legalization lawsuits. In response to the director’s notice of intent to deny the applicant submitted (a) a letter, dated December 12, 2002, asserting that he had applied “under the *CSS* program” in 1990 and (b) a photocopy of an interview notice from the Immigration and Naturalization Service (INS), dated September 19, 1990, purportedly scheduling an appointment for the applicant at an INS office in Los Angeles on February 20, 1991, “[t]o submit your application for amnesty as a *CSS v. Thornburgh* or *LULAC v. INS* class member.” The form bears no signature on the line indicated for “Chief Legalization Officer.” The applicant did not explain *why*, if he had the photocopy all along, he did not submit it with his LIFE application.

There is no record at Citizenship and Immigration Services (CIS), successor to the INS, that the applicant filed a claim for class membership in 1990 or at any time thereafter. CIS has no record of either issuing an interview notice to the applicant in September 1990, scheduling a *CSS/LULAC*-related interview for February 1991, or of interviewing the applicant. No A-number (file number) appears on the interview notice. Indeed, no A-file was created for the applicant 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 January 9, 2004, the AAO sent a letter to the applicant requesting that he furnish the original interview notice allegedly issued by the INS on September 19, 1990. The applicant responded by letter, stating that he could not provide the original document because it “was kept by the INS clerk.” The applicant’s assertion that the original “was kept by the INS clerk” offers neither details nor rationale for such an action. Moreover, the applicant does not state that he was actually interviewed by INS, much less

provide any details about the alleged interview. The lack of any A-number on the 1990 interview notice, the fact that no A-file was created for the applicant until the instant LIFE application was filed twelve years later, in 2002, and the fact that the applicant did not provide the photocopied interview notice until he received a letter of intent to deny, further indicates that no interview notice relating to *CSS* or *LULAC* was issued to the applicant in 1990.

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.

On appeal the applicant submitted an affidavit of an acquaintance in California, which does not address the issue of class membership, and a "Questionnaire Form for Applicants under *CSS* and *LULAC*" issued by the Center for Human Rights and Constitutional Law in Los Angeles. The questionnaire, dated May 23, 1995, bears the applicant's name but ascribes an A-number to him [REDACTED] that has never been issued to the applicant by INS or CIS. Even without this discrepancy, there is nothing in this document which could possibly establish that the applicant filed a written claim with the Attorney General (*i.e.*, with INS) in 1990 for class membership in *CSS* or *LULAC*.

For the reasons discussed above the applicant has failed to establish that he 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.