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



**U.S. Citizenship  
and Immigration  
Services**

[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date: **MAR 18 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 National Benefits Center. If your appeal was sustained, or if your case 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*  
*for*

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

The director 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, the applicant reaffirms her eligibility for permanent resident status under the LIFE Act as one who has applied for class membership in a legalization class-action lawsuit. The applicant submits documentation in support of her appeal.

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.

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.

Along with her LIFE application, the applicant provided the following:

- a two page "Form for Determination of Class Membership in CSS v. Meese" that is signed by the applicant and dated February 13, 1989. While the first page of this document appears to be a photocopy, it must be noted that the second page is an original as it contains handwritten responses from the applicant that are clearly written in ink;
- a photocopy of a "Legalization Front-Deskling Questionnaire" that is signed by the applicant and is dated September 28, 2000.

However, while such documents could possibly be considered as evidence of having made a written claim for class membership, none of these submissions include a CIS Alien Registration Number, otherwise known as a 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 receiving either of the two documents listed above prior to the submission of her LIFE Act application on June 7, 2002. Moreover, the fact that the second page of the "Form for Determination of Class Membership in CSS v. Meese" is an original document only serves to undermine the credibility of her claim to have ever submitted this form to CIS.

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).

Subsequently, in response to the notice of intent to deny, the applicant submitted copies of the previously discussed documentation, as well as the following new document:

- a photocopy of a CIS memo dated June 1, 1992, from CIS's Vermont Service Center informing the applicant that her "...application remains pending for the outcome of litigation in these matters."

A photocopied CIS memo such as that provided by the applicant may be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. § 245a.14(d). However, the applicant offered no explanation as to *why*, if she truly had the CIS memo referencing her purported claim to class membership in her possession since at least June 1, 1992, she did not submit it with her LIFE Act application. Applicants were instructed to provide qualifying evidence *with* their applications and the applicant did include other supporting documentation with her LIFE Act application. It is further noted that the applicant is one of many aliens residing in New York City who have furnished such questionable photocopied documents with their LIFE applications. None of these applicants had pre-existing files with CIS prior to filing their LIFE applications, in spite of the fact that they all claim to have previously filed forms, applications, or questionnaires with CIS. These factors raise serious questions regarding the authenticity of the applications and supporting documentation.

On September 29, 2003, the AAO sent the applicant a follow-up communication informing her that, in order to expedite the adjudication of her appeal, she was requested to provide the original of the aforementioned photocopied CIS memo from the Vermont Service Center. Subsequently, the applicant responded to the AAO's communication, indicating that, due to frequent moves over the years, she has been unable to locate the original of that document.

The applicant did not submit the CIS memo letter initially with her LIFE application; nor has she subsequently been able to provide the original of that letter upon request. In this case, the applicant did not possess a CIS file prior to the filing of her LIFE Act application on June 7, 2002. These factors serve to create considerable skepticism regarding the authenticity and credibility of the applicant's documentation.

Given these circumstances, it is concluded that the photocopied CIS memo provided by the applicant in support of her application could not have been generated or issued by CIS and, therefore, cannot be deemed an authentic document.

On appeal, the applicant indicates that she attempted to file a legalization application with a qualified designated entity in 1988, but was told that she did not qualify and turned away. While the applicant may have been "front-desked" (informed that she was not eligible for legalization) when she attempted to file the legalization application in 1988, this action alone does not equate to having filed a written claim for class membership in any of the requisite legalization class-action lawsuits.

The applicant has failed to submit documentation which credibly establishes her having filed a timely written claim for class membership in one of the aforementioned legalization class-action lawsuits. 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.