



U.S. Citizenship
and Immigration
Services

22

[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant:

[Redacted]

March 1, 2004

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

Administrative Appeals Office
National Benefits Center
Washington, DC 20536

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 asserted that she filed a timely claim for class membership in CSS. The applicant further asserted that she had actually filed a timely legalization questionnaire dated February 25, 2000.

The applicant does not respond to the subsequent decision.

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.

In support of her application, the applicant submitted a photocopy of a Legalization Front-Desking Questionnaire dated *February 16, 2001*. There is no indication on the document, however, that this questionnaire was ever filed with the Immigration and Naturalization Service or the Service (now, Citizenship and Immigration Services or CIS). In any case, pursuant to the above regulation, an alien would have to demonstrate that he or she had filed a written claim for class membership *prior to October 1, 2000* in order to qualify for late legalization under the LIFE Act. In the present case, the applicant's questionnaire was *not* filed in a timely manner.

Subsequently, in response to the initial notice of intent to deny, the applicant resubmitted a photocopy of her previously-submitted legalization questionnaire dated February 16, 2001. However, this subsequently-submitted photocopy of the applicant's previously-submitted questionnaire, unlike its predecessor, is dated February 16, 2000. Had the applicant actually filed a legalization questionnaire with CIS on this date, as claimed, a file would normally have been created at that point. However, there is no indication in CIS administrative or computer records of the applicant ever having filed such document on this date. Moreover, the applicant fails to explain why she has submitted the *identical* legalization questionnaire with two *different*

dates. Upon examination of the applicant's subsequently-submitted questionnaire, the numeral "1" in the date 2001 has clearly been overwritten and altered to make it appear as a "zero." The applicant has failed to account for or provide a credible explanation for this modification of data. Documents containing such obvious data alteration must be deemed highly questionable and are of no probative value to the applicant's claim to eligibility.

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).

In response to the initial notice of intent, the applicant also submitted a photocopied a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA), which was purportedly signed by the applicant on December 1, 1987. This type of document is listed in 8 C.F.R. § 245a.14 as an example of evidence which may be furnished in an effort to establish that an alien had previously applied for class membership. While the photocopied Form I-687 is dated December 1, 1987, an examination of CIS administrative and electronic records fails to indicate that it was ever filed or received by this agency until after the applicant submitted her LIFE application. Moreover, the applicant fails to explain *why*, if she truly had this document in her possession since 1987, she did not submit it along with her LIFE application, as applicants were advised to provide evidence *with* their applications. It is concluded that this photocopied I-687, furnished at a very late stage of these proceedings and unaccompanied by any reasonable explanation, does not establish that there was an original document which was actually submitted to CIS in 1987.

Given these circumstances, it is concluded that the aforementioned photocopied submissions provided by the applicant cannot be deemed authentic documents. As the applicant has failed to submit credible documentation establishing her having filed a timely written claim for class membership, she is ineligible for permanent residence under section 1104 of the LIFE Act.

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