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U.S. Citizenship  
and Immigration  
Services



FILE: [REDACTED]

Office: National Benefits Center

Date:

IN RE: Applicant: [REDACTED]

MAY 12 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

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 cursive script, 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 resubmitted some documentation that was already in the file as well as an instruction sheet from the Immigration and Naturalization Service (INS) concerning the submission of legalization questionnaires.

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 submitted the following pertinent materials with his LIFE application:

- 1) a photocopied Form I-687, application for status as a temporary resident under section 245A of the INA, filled out in longhand and containing the applicant's signature, but with no entry in the "date" box to indicate when it was prepared;
- 2) a photocopied Form for Determination of Class Membership in *CSS v. Meese*, filled out in longhand but without a signature and only an incomplete entry in the "date" box of "2- -91"; and
- 3) a photocopied interview notice from the Immigration and Naturalization Service (INS), dated March 14, 1991, purportedly scheduling an interview with the applicant at the Legalization Office in Houston, Texas, on August 12, 1991, for the purpose of "late filing of *LULAC* or *CSS* application."

In response to the director's notice of intent to deny the applicant submitted (a) a different Form I-687, this time with typewritten entries, the applicant's signature, and the date August 5, 1991, and (b) a different class membership determination form (*CSS v. Reno*), this time with typewritten entries, the applicant's signature, and the date August 5, 1991. The applicant did not explain the discrepancies between these "new" I-687 and class membership determination forms and the ones originally submitted with the LIFE application. Nor did the applicant explain *why*, if he had the two documents allegedly dated in 1991 all along, he did not submit them with his LIFE application.

Citizenship and Immigration Services (CIS), successor to the INS, has no record of receiving either a Form I-687 or a class membership determination form from the applicant in 1991, as alleged, or any time prior to the statutory deadline of October 1, 2000 to file a claim for class membership in one of the legalization lawsuits. The applicant has not furnished any evidence, such as a postal receipt or an

acknowledgement letter from the agency, that either of the forms was submitted to the INS in 1991. Indeed, CIS has no record of receiving either document until the instant LIFE application was filed in May 2002. Nor does CIS have any record of issuing an interview notice to the applicant in March 1991, scheduling a *CSS/LULAC*-related interview for August 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 May 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 appeal the applicant resubmitted copies of the Form I-687 (second version) and the *CSS* class membership determination form (second version), as well as the interview notice, without addressing any of the documents' evidentiary frailties. For the myriad reasons discussed above, therefore, the record fails to establish that the I-687 and *CSS* class membership determination forms were prepared by the applicant and submitted to the INS before October 1, 2000, as required to qualify as a timely claim for class membership in *CSS*.

The applicant also submitted on appeal an INS instructional sheet which references a February 2, 2001 deadline for filing legalization questionnaires. That deadline has no applicability under the LIFE Act, which clearly requires that applicants file their claims for class membership in one of the legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, before October 1, 2000, to qualify for permanent resident status. See section 1104(b) of the LIFE Act. Nor does the questionnaire deadline raise any issue in this case because the applicant does not allege that he filed a legalization questionnaire, or any other documentation, with the INS (CIS) between October 1, 2000 and February 2, 2001.

On February 9, 2004, the AAO sent a letter to the applicant requesting that he furnish, within 30 days, the original interview notice allegedly issued to him by the INS on March 14, 1991. Up to the date of this decision, however, no response has been received by the AAO. If the INS did issue the interview notice in 1991, as alleged, there is no logical explanation why the applicant should have a photocopy thereof, but not the original. The fact that the applicant has not even responded, much less provided the original, casts grave doubt on the authenticity of the document. Moreover, the lack of any A-number on the photocopied interview notice and the fact that no A-file was created for the applicant until the instant LIFE application was filed eleven years later, in 2002, further implies that the INS did not issue any interview notice to the applicant in 1991 relating to *CSS* or *LULAC*. Based on the entire record in this case, it is concluded that the photocopied interview notice submitted by the applicant is *not* a true copy of an authentic document.

For all of 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.