

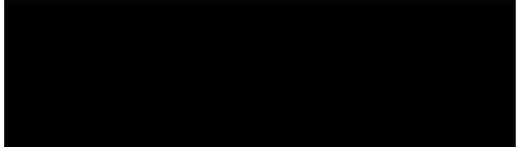
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U.S. Department of Homeland Security  
20 Mass, Rm. A3042, 425 I Street, N.W.  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services



FILE: [Redacted] Office: NATIONAL BENEFITS CENTER Date: MAR 17 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, 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 provides copies of previously submitted 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 a photocopy of the first page of a "Form for Determination of Class Membership in *CSS v. Meese*" that is both unsigned and undated. In this determination form, the applicant indicated that she attempted to file a legalization application with the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) in 1988, but was told that she did not qualify and was 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.

While the determination form could possibly be considered as evidence of having made a written claim for class membership, it does not include an 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, the "Form for Determination of Class Membership in *CSS v. Meese*" is incomplete, unsigned, undated, and provides no indication as to when this document had been executed. Moreover, there is no record of the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) receiving the document listed above prior to the submission of her LIFE Act application on June 2, 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).

Subsequently, in response to the notice of intent to deny, the applicant submitted a statement in which she declared that she had applied for class membership in 1993, and had been issued the Alien Registration Number, A93 169 410. The applicant submitted another photocopy of the previously discussed determination form, as well as the following new document:

- a photocopy of a Service appointment notice dated June 28, 1993, bearing the applicant's name, date of birth, country of birth, the A-number [REDACTED] which reflects that she was to appear at the Services [REDACTED] on November 23, 1993, in order to submit a legalization application for temporary residence under section 245A of the Immigration and Nationality Act (INA) as a "CSS vs Thornburgh" or "LULAC vs INS" class member.

A photocopied Service appointment notice 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 appointment notice referencing her purported claim to class membership in her possession since at least June 28, 1993, 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. A review of relevant records reveals that the Alien Registration Number, [REDACTED] had never been issued to the applicant, but rather had in fact been issued to another individual in a separate proceeding. There is no evidence that the applicant had a pre-existing file prior to filing of her LIFE applications in spite of the fact that she claims to have previously filed various forms and applications with the Service that purportedly resulted in her being issued a Service appointment notice relating to class membership. These factors raise serious questions regarding the authenticity of the applicant's claim that she filed for class member and supporting documentation.

In this case, the applicant did not possess a CIS file prior to the filing of her LIFE Act application on June 2, 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 Service appointment notice provided by the applicant in support of her claim to class membership could not have been generated or issued by the Service and, therefore, cannot be deemed an authentic document.

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.