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

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: NATIONAL BENEFITS CENTER Date: SEP 0 2 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 office that originally decided your case. 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

PUBLIC COPY

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits 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 provides copies of previously submitted documents to support her contention that she filed a written claim for class membership with the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) prior to October 1, 2000.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). *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. The regulations also permit the submission of "[a]ny other relevant document(s)." *See* 8 C.F.R. § 245a.14.

On her LIFE Act application, the applicant indicated that she filed a claim for *CSS/LULAC* class membership on September 21, 1991. The applicant included photocopies of the following documents with her LIFE Act application, as well as her response to the notice of intent to deny and on appeal:

- a "Form for Determination of Class Membership in CSS v. Meese" that is signed by the applicant and dated September 21, 1991;

- an appointment notice that is dated April 13, 1993, from the Service's District Office in Dallas, Texas, bearing the applicant's name, address, and Alien Registration Number or A file number, 093 543 211, which scheduled her for an interview at 12:30 P.M. on June 9, 1993, regarding the legalization application she had filed under the *CSS* case;

- a form dated August 21, 1993 that is signed by Service officer, Yolanda Rangel, which bears the applicant's name, address, and the A-number, "093 543 211." This document indicates that the applicant is a member of the *CSS* or *LULAC* subclass and that employment authorization is to be granted, and;

- a Notice of Action from the Service dated June 18, 1995, which bears the applicant's name, address, and the A-number, "093 543 211," and informed her that individuals who had previously filed applications and been denied class membership in *CSS* would be re-interviewed for another determination of eligibility.

These documents are listed in 8 C.F.R. § 245a.14 as examples of documents which may be furnished in an effort to establish that an alien had previously applied for class membership. Although all of the documents provided by the applicant are dated well before October 1, 2000, the record contains no evidence that any of these documents were submitted to the Service or its successor CIS prior to the filing of the LIFE Act application on October 24, 2002. While three of the documents contain the A-number "093 543 211," a review

of Service and CIS records demonstrates that this A-number was not assigned and issued to the applicant prior to the filing of her LIFE Act application on October 24, 2002. Furthermore, all of the Service documents submitted by the applicant except the determination form contain typewritten notations including but not limited to the applicant's name, address, and purported A-number. These typewritten notations are the same size and style of font throughout all of the documents, but do not conform to any of the sizes and styles of printing utilized in each of these respective documents.

A review of relevant records reveals no evidence that the applicant had a pre-existing file prior to filing of her LIFE Act application on October 24, 2002, in spite of the fact that she claims that she submitted documents relating to class membership beginning in September of 1991. These factors raise serious questions regarding the authenticity and credibility of the supporting documentation, as well as the applicant's claim that she filed for class membership. Given these circumstances, it is concluded that photocopied Service documents provided by the applicant in support of her claim to class membership are of questionable probative value.

Doubt cast on any aspect of the evidence 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. *See Matter of Ho*, 19 I. & N. Dec. 582 (BIA 1988).

The applicant has failed to submit documentation which credibly establishes his 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.