



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

[REDACTED]

Office: NATIONAL BENEFITS CENTER

Date: SEP 02 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

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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 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 provides copies of previously submitted and new documents to support his claim that he 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 his LIFE Act application, the applicant indicated that he filed a claim for *CSS/LULAC* class membership on June 22, 1991. The applicant included photocopies of the following documents with his LIFE Act application and his response to the notice of intent to deny:

- a Form I-687 legalization application that is signed by the applicant and dated June 22, 1991, and;
- a "Form for Determination of Class Membership in *CSS v. Meese*" that is signed by the applicant and dated June 22, 1991.

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 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 March 10, 2003.

On appeal, the applicant includes copies of documents cited above, as well as copies of the following new documents:

- a form dated June 22, 1991 that is signed by Service officer, Yolanda Rangel, which bears the applicant's name and the type-written notation "CSS V. MEESE." 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 letter from the Service's Northern Service Center dated January 23, 1993, which purportedly confirmed that the applicant had filed for class membership in *CSS* and that no final decision had at yet been reached in his case.

The photocopied Service documents such as that the applicant provides may be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. § 245a.14(d). However, all of the Service documents submitted by the applicant except the Form I-687 application and the determination form contain typewritten notations including but not limited to the applicant's name, address, type of application and date. 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.

In addition, the applicant offered no explanation as to *why*, if he truly had documents referencing his purported claim to class membership in his possession since at least June 1991, he did not submit such documents with her LIFE Act application. Applicants were instructed to provide qualifying evidence *with* their applications and the applicant did include other supporting documentation with his LIFE Act application. A review of relevant records reveals no evidence that the applicant had a pre-existing file prior to filing of his LIFE Act application on March 10, 2003, in spite of the fact that he claims that he received Service documents relating to class membership beginning in 1991. These factors raise serious questions regarding the authenticity and credibility of the supporting documentation, as well as the applicant's claim that he filed for class membership. Given these circumstances, it is concluded that photocopied Service documents provided by the applicant in support of his 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 record reflects all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership. Such check included a separate CIS Administrative file or A-file, A26 947 477, Record of Deportable Alien, into which the LIFE Act application has now been consolidated. 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.