



U.S. Citizenship
and Immigration
Services

LA



FILE:



Office: NATIONAL BENEFITS CENTER

Date: SEP 19 2004

IN RE:

Applicant:



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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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 that the applicant had not established that she 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 submits a statement in which she asserts that the information she has provided should establish her eligibility for adjustment to permanent resident status under the LIFE Act. The applicant contends the photocopied receipt slip she received after filing an application for temporary residence under section 245A of the Immigration and Nationality Act (INA) during the application period at the 24th Street office in New York, New York on or about August 16, 1991. The applicant contends that she cannot be held responsible if an employee of the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) failed to process and adjudicate her legalization application. The applicant includes a photocopy of a previously submitted document.

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.

With her LIFE Act application, the applicant included photocopies of the following documents:

- a Service appointment notice dated August 7, 1991 bearing the applicant's name date of birth and the Alien Registration Number or A-number, A93 256 439, which reflects that she was to appear at the Service's Legalization Office on 24th St., in New York, New York, on December 13, 1991, in order to be interviewed to determine eligibility for class membership; and,
- An card containing the full title and address of the same Service Legalization Office mentioned in the prior paragraph, the hand written notations "CSS" and "DATE: 8/16/91," and a bar code listing the A number A93 256 439.

The photocopied Service documents 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, a review of relevant records reveals that the A-number, A93 256 439, was never issued to the applicant but rather had been issued to another individual, a male of Pakistani descent who was born on March 19, 1956. The fact that this A-number was issued to another individual in a separate proceeding serious impairs the credibility of the applicant's claim that she received these documents when she filed a legalization application at the 24th Street office in New York, New York on or about August 16, 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.

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 file, A75 976 143, a Form I-130, Alien Relative Visa Petition, that was submitted on the applicant's behalf on January 14, 1998. The applicant's LIFE Act application has now been consolidated into this file. 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.