



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 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 and new documents to support her claim 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 June 22, 1991. The applicant included photocopies of the following documents with her LIFE Act application:

- 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 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 March 21, 2003.

In response to the notice of intent to deny, the applicant provides copies of the documents cited above, as well as a photocopy of the following document:

- 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 her case.

On appeal, the applicant includes copies of documents cited above which were submitted with her LIFE Act application and her response to the notice of intent to deny, as well as copies of the following new documents:

- an appointment notice that is dated March 17, 1993, from the Service's District Office in Dallas, Texas, bearing the applicant's name, address, and the type-written notation "No File Number," which

scheduled her for an interview at 12:30 P.M. on July 30, 1993, regarding the legalization application she had filed under the CSS case;

- a Notice of Action from the Service dated June 24, 1993, informing the applicant that individuals who had previously filed applications and been denied class membership in CSS would be re-interviewed for another determination of eligibility, and;
- a Form I-72 Notice from the Service's Dallas district office that is dated April 10, 1994, and bears the applicant's name, address and the type-written notation "No File Number," which informed her that she failed to establish class membership under CSS/LULAC. While this document indicates that the reason for such denial was contained in a corresponding attachment, no attachment was included.

The photocopied Service documents such as that the applicant provides in her response to the notice of intent to deny and on appeal 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, date, and "No File 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.

In addition, the applicant offered no explanation as to *why*, if she truly had the documents submitted in her response to the intent to deny and on appeal referencing her purported claim to class membership in her possession since at least 1993, she 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 her LIFE Act application. 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 March 21, 2003, in spite of the fact that she claims that she received Service documents relating to class membership beginning in 1993. 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 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.