



U.S. Citizenship
and Immigration
Services

L2

[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date: SEP 03 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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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, 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 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 asserts that the documentation he has provided should serve to establish his eligibility for permanent resident status under the LIFE Act as an applicant for class membership in the LULAC legalization class-action lawsuit. The applicant provides copies of previously submitted and new documentation in support of the 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), *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.

Along with his LIFE application, the applicant included a statement in which he indicated that he had attempted to apply for temporary residence under section 245A of the Immigration and Nationality Act (INA) in December of 1987, but was told that he was not eligible because he had left the country by an employee of a Qualified Designated Entity, or QDE (a network of organizations designated by Congress in an effort to encourage and assist aliens in filing applications for temporary residence under both sections 210 and 245A of the INA). However, while the applicant may have been front-desked (informed that he was not eligible for temporary residence) when he attempted to file a legalization application, this action alone does not equate to having filed a written claim for class membership in any of the requisite legalization class-action lawsuits.

The applicant claimed that he subsequently mailed a Form I-687, Application for Temporary Resident Status Pursuant to Section 245A of the INA, and a money order for \$185.00 to the Service's Vermont Service Center. In support of this claim, the applicant included photocopies of the following documents with his LIFE Act application:

- a Form I-687 legalization application that is signed by the applicant and dated December 13, 1987, and;
- a Legalization Front-Desk Questionnaire that is signed by the applicant and dated July 12, 2000.

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 these documents are dated prior to October 1, 2000, the statutory deadline for the filing of written claims for class membership in a legalization class-action action under section 1104 of the LIFE Act, the applicant has not provided any independent evidence, such as a postal receipt or money order receipt, that would tend to corroborate the applicant's claim to have filed a timely claim for class membership in any of the legalization lawsuits.

Furthermore, 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 January 13, 2003.

In response to the notice of intent to deny, the applicant submitted copies of the Form I-687 and legalization questionnaire discussed above, as well as a photocopy of a "LULAC Class Member Declaration" form signed by him and dated December 1, 1988.

On appeal, the applicant includes copies of the documents cited above, as well as a copy of an undated appointment notice from the Service's Legalization Office in Paterson, New Jersey. The appointment notice bears the applicant's name, address, and date of birth, and purportedly scheduled him for an interview at 10:30 A.M. on July 10, 1990, regarding his claim to LULAC class membership.

Both the "LULAC Class Member Declaration" form provided in response to the notice of intent to deny and the appointment notice provided 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, the applicant offered no explanation as to *why*, if he truly had these documents referencing his purported claim to class membership in his possession since at least 1988, he did not submit such documents with his 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 January 13, 2003. 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 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 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.