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U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date: **SEP 23 2004**

IN RE:

Applicant: [Redacted]

[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

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 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 reiterates 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. The applicant states that the letter from the Service's Vermont Service Center that was included with her LIFE Act application should be sufficient to establish that she applied for class membership.

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 her LIFE application, the applicant provided photocopies of the following documents:

- a Form I-687 legalization application that is signed by the applicant and dated November 9, 1988;
- a "Form for Determination of Class Membership in *CSS v. Meese*" that is signed by the applicant and dated December 5, 1988;
- a photocopy of a Service memo dated June 1, 1992, from Service's Vermont Service Center bearing the applicant's name and address which informed her that her "...application remains pending for the outcome of litigation in these matters." This memo specifically states that the applicant must provide a Service Alien Registration Number (otherwise known as A-file number) or EAC receipt number in any future correspondence with the Service, and;
- a Legalization Front-Desking Questionnaire that is signed by the applicant and dated October 6, 2000.

The documents provided by the applicant 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 except the front-desking questionnaire 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 record contains no evidence that any of these documents were either issued by or submitted to the Service or its successor CIS prior to the filing of the LIFE Act application on December 16, 2002.

In the front-desking questionnaire, the applicant indicated that she attempted to file a legalization application for temporary residence under section 245A of the Immigration and Nationality Act (INA), but was told that she was not eligible 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). While the applicant may have been front-desked (informed that she was not eligible for temporary residence) when she attempted to file a legalization application in the original application period from May 1, 1987 to May 4, 1988, this action alone does not equate to having filed a written claim for class membership in any of the requisite legalization class-action lawsuits. Furthermore, within the front-desking questionnaire, the applicant made no claim that she subsequently either attempted to or in fact filed the legalization application and related documents with the Service in the interim period up until the filing of her LIFE Act application.

As noted above, the Service memo dated June 1, 1992, references an application purportedly filed by the applicant that remains pending for the outcome of litigation in these matters, but fails to specify the name of the any particular court case. Furthermore, the applicant provides no explanation as to why she was not assigned an Alien Registration Number by the Service if in fact she had filed such an application and despite the fact that Service memo specifically instructs her must that she must provide her Service Alien Registration Number or EAC receipt in any future correspondence. These factors raise serious questions regarding the authenticity of the applications and supporting documentation. Given these circumstances, it is concluded that photocopied Service document provided by the applicant in support of her claim to class membership is 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.