



U.S. Citizenship  
and Immigration  
Services

L2

[REDACTED]

FILE: [REDACTED] Office: National Benefits Center Date: SEP 23 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 National Benefits Center. 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

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**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits Center. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant did not establish that she applied for class membership in one of the requisite legalization class-action lawsuits before October 1, 2000.

On appeal the applicant asserts that the documentation of record establishes that she "filed for class membership . . . before October 1, 2000 in [the] legalization lawsuit CSS/LULAC" and fulfills the other criteria for permanent resident status under the LIFE Act. The applicant submitted photocopies of an interview notice from the Immigration and Naturalization Service (INS) and affidavits from three individuals attesting that the applicant lived and worked in Woodside, New York during the 1980s and returned to her native Nepal for a brief visit in 1987.

An applicant for permanent resident status under section 1104 of 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 one 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 section 1104(b) of the LIFE Act and 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.

When she filed her LIFE application (Form I-485) in March 2003 the applicant submitted photocopies of the following pertinent documentation:

- 1) an Application for Status as a Temporary Resident under Section 245A of the Immigration and Naturalization Act (Form I-687), signed by the applicant and dated February 20, 1988;
- 2) a Legalization Front-Desking Questionnaire, signed by the applicant and dated January 10, 1999.

In response to the director's notice of intent to deny the applicant submitted two more photocopied documents, including:

- 3) a notice from the INS office in St. Albans, Vermont, dated November 18, 1991, purportedly verifying that the applicant's I-687 application and fee had been received;
- 4) a rejection notice from the INS office in St. Albans, Vermont, dated November 2, 1994, which does not identify the application in question.

The AAO notes that neither of the documents purportedly issued by the INS (now Citizenship and Immigration Services, or CIS) – items (3) and (4) above – includes an Alien Registration Number (A-number) for the applicant. The lack of an A-number is particularly glaring with respect to the November 18, 1991 notice, since the INS would have assigned an A-number (as well as a receipt number) if it had actually received a Form I-687 from the applicant in 1991, as alleged. In fact, however, CIS (INS) has no record of receiving any I-687 application from the applicant in 1991. Nor does CIS have any record of issuing the 1991 receipt notice, or the 1994 rejection notice, to the applicant. Likewise, CIS has no record of receiving a Legalization Front-Desking Questionnaire from the applicant in 1999. The applicant has not submitted any

evidence, such as a postal receipt or an acknowledgement letter from the INS, that the questionnaire was actually sent to the INS in 1999, as alleged. In fact, CIS has no record of receiving either the I-687 application or the Legalization Front-Desking Questionnaire until the instant LIFE application was filed in March 2003.

Doubt cast on any aspect of an applicant's proof 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. Attempts to explain or reconcile such inconsistencies will not suffice without competent objective evidence pointing to where the truth lies. See *Matter of Ho*, 19 I & N Dec. 582, 591-92 (BIA 1988).

On appeal the applicant has submitted a photocopy of an INS interview notice purportedly scheduling an interview for the applicant at the Legalization Office in New York City on July 23, 1993 "to determine subclass membership." Like the other two INS notices from 1991 and 1994, discussed above, the authenticity of the interview notice is in doubt. The notice does not include any A-number for the applicant, as it should have if the INS had received an I-687 application from the applicant in 1991. Nor does CIS (INS) have any record of scheduling the subject interview or of interviewing the applicant in 1993 in regard to an application for class membership in *CSS* or *LULAC*. The applicant has submitted no further evidence on appeal to demonstrate the authenticity of the previously submitted INS notices, or that her I-687 application and Legalization Front-Desking Questionnaire were filed with the INS at any time prior to October 1, 2000.

The applicant has not explained why she did not submit all the photocopied materials now in the record with her initial LIFE application, rather than piecemeal at successive stages of this proceeding. Applicants were specifically instructed to submit supporting documentation *with* their applications. The AAO notes that the applicant is one of many aliens residing in New York City who have furnished such questionable photocopied documents in support of their LIFE applications. None of these applicants had pre-existing A-files with CIS in spite of the fact that they claim to have previously filed other applications or questionnaires.

The AAO concludes that the documentation of record does not constitute credible evidence that the applicant filed a claim for class membership in one of the legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, prior to October 1, 2000, as required under section 1104(b) of the LIFE Act.

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.