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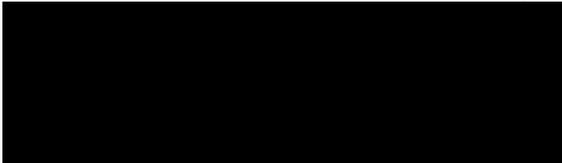
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U.S. Citizenship  
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FILE:



Office: NATIONAL BENEFITS CENTER

Date: JAN 06 2005

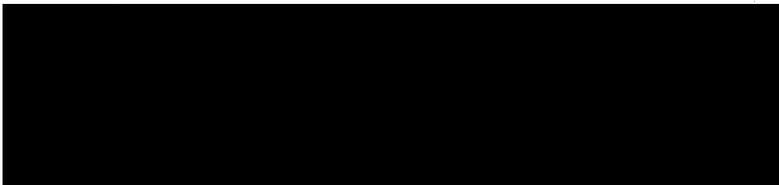
IN RE:

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:



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, counsel reiterates the applicant's 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. Counsel provides copies of previously submitted documents, as well as a new document, 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.

On her Form I-485 LIFE Act application, the applicant indicated that she previously submitted a claim to class membership in one of the requisite legalization lawsuits to the Service's San Diego District Office in 1992. However, the applicant failed to include any evidence that would establish that she filed a written claim to class membership prior to October 1, 2000.

In response to the notice of intent to deny, the applicant submitted photocopies of her Mexican birth certificate and corresponding translation, nine affidavits of residence, and three employment letters. While such documentation provides evidence of the applicant's identity, date of birth, and residence, it provides no information establishing that she filed a timely claim to class membership before October 1, 2000. The applicant also included photocopies of the following documentation:

- a Form I-687 legalization application signed by both the applicant and the individual who prepared the application that is dated June 1, 1992, and;
- the first page of a "Form for Determination of Class Membership in *CSS v. Meese*" that is both unsigned and undated. In this determination form, the applicant indicated that she attempted to file a legalization application with the Service prior to May 4, 1988, but was told that she did not qualify and was turned away.

While the applicant may have been "front-desked" (informed that she was not eligible for legalization) when she attempted to file the legalization application in 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.

The photocopied 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, the applicant offered no explanation as to *why*, if she truly had these documents referencing her purported claim to class membership in her possession since at least June 1, 1992, 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.

On appeal, counsel asserts that the applicant has submitted sufficient documentation to establish that she filed a written claim to class membership. Counsel provides a photocopy of an appointment notice from the Service's San Diego District Office that is dated June 8, 1992 and bears the applicant's name, address, and the Alien Registration Number, [REDACTED] which scheduled her for an interview at 10:00 A.M. on July 22, 1992, regarding an application for *CSSLULAC* class membership. However, neither counsel nor the applicant provides any explanation as to why this document was not included with the either the response to the notice of intent to deny or the initial LIFE Act application. Furthermore, a review of relevant records shows that the Alien Registration Number [REDACTED] was issued to the applicant by the Service on May 14, 2001.

The factors cited above raise 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 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 that 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.