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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042,
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U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date: NOV 03 2005

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

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 reiterates her contention that she filed a written claim for class membership at the Arlington, Texas office of the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS). The applicant includes copies of documents that she previously submitted with her response to the notice of intent to deny.

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) (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 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 filed a claim for CSS/LULAC class membership on June 16, 1991. However, the applicant failed to include any documentation that would corroborate her assertion that she filed a written claim for class membership.

In her subsequent response to the notice of intent to deny, the applicant provided photocopies of the following documents:

- a form dated April 10, 1992, that is signed by Service officer, [REDACTED] indicating that the applicant is a member of the CSS or LULAC subclass and that employment authorization is to be granted. The letter bears the applicant's name and address as well as the type-written notations "No file number" and "CSS VS. MEESE," and;
- a letter from the Service's Northern Service Center dated January 13, 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 this case. The letter bears the applicant's name, address and the type-written notation "No file number."

The photocopied Service documents such as that the applicant provides 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 Service documents contain typewritten notations including but not limited to the applicant's name, address, 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 these documents referencing her purported claim to class membership in his possession beginning in 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 documentation in support of 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 June 4, 2003, in spite of the fact that she claims to have been issued Service documents relating to class membership beginning in 1992. 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.