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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER Date: **NOV 4 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 your case 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

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was initially denied by the Director, Missouri Service Center and then remanded by the Administration Appeals Office (AAO). The subsequent decision by the Director, National Benefits Center, to recommend that the application be denied again has been certified to the AAO. This decision will be affirmed.

In the initial decision, 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 from the director's initial decision, the applicant indicated that additional evidence to demonstrate that he had applied for membership in one of the requisite legalization class action lawsuits would be forthcoming.

In the subsequent certified decision, the director concluded that the evidence provided by the applicant failed to establish that he filed an actual written claim for class membership in a timely manner. The applicant was granted thirty days to submit additional material in response to the certified decision. However, as of the date of this decision, the applicant has failed to submit a statement, brief, or additional evidence to supplement the record. Therefore, the record must be considered complete.

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 his Form I-485 LIFE Act application, the applicant indicated that he was a CSS class member. However, the applicant failed to submit any evidence to corroborate his claim that he had filed a timely written claim to class membership prior to October 1, 2000.

In response to the notice of intent to deny, the applicant submitted a photocopy of a notice dated May 24, 2001, from the Immigration and Naturalization Service's, or the Service's (now Citizenship and Immigration Services, or CIS) Vermont Service Center that bears the applicant's name. This notice references a "Legalization Front-Desking Questionnaire" and a Form I-687, Application for Temporary Resident Status (legalization) under Section 245A of the INA, that the applicant had purportedly submitted. The notice stated that the questionnaire had been submitted on December 28, 2000, and the Form I-687 legalization application had been timely submitted and subsequently denied by the Service on October 15, 1990.

The Form I-687 legalization application and the questionnaire are listed in 8 C.F.R. § 245a.14 as documents that may be furnished in an effort to establish that an alien had previously applied for class membership. However, the applicant has not provided any independent evidence that would tend to corroborate that either the Form I-687 application or questionnaire was submitted to the Service or its successor CIS prior to his response to the notice of intent to deny in the current proceedings. The applicant offered no explanation as to *why*, if he truly had this document referencing his claim to class membership in his possession prior to the filing of his LIFE Act application on October 19, 2001, 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, in spite of the fact that he claims to have made a written claim to class membership before October 1, 2000. Further, a review of the relevant records reveals no evidence that applicant filed either the Form I-687 application or questionnaire as indicated in the notice from the Vermont Service Center referenced in the prior paragraph. 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 the photocopied document provided by the applicant in support of his 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 that 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. Therefore, the decision recommending denial of the LIFE Act application shall be affirmed.

ORDER: The certified decision recommending the denial of the application for permanent resident status is affirmed.