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U.S. Citizenship
and Immigration
Services

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FILE:



Office: NATIONAL BENEFITS CENTER

Date: **JAN 17 2006**

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:

Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

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 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 states in part:

I registered my case with *LULAC* on June 12, 1992. They gave me an appointment to go for an interview on June 12, 1992. I went. I brought proofs, such as rent receipts, pictures, envelopes and letters from different people. They asked me a couple of questions and told me that I qualified for *LULAC*. They filled out a "Declaration Form", told me to be in touch with them regarding my case.

I contacted *LULAC* and told me to fill out a questionnaire. I mailed it back to their office on August 4, 2000.

The applicant provides copies of documents that were previously submitted.

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. Those 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 submitted a copy of a Form I-687 Application for Status as a Temporary Resident purportedly signed by the applicant on July 22, 1988 along with evidence to establish her identity and residence in the United States.

In response to the Notice of Intent to Deny issued on May 20, 2004, the applicant submitted copies of documents previously provided along with: 1) an undated Form G-56 notice, purportedly issued by the New York City office informing the applicant that an interview date of June 12, 1992 had been scheduled in order to determine subclass membership; 2) a *LULAC* class membership declaration dated June 12, 1992; and 3) a Legalization Front-Desking Questionnaire purported signed by the applicant on August 4, 2000.

It appears from the applicant's statement that she believes she filed a written claim to class member because she submitted the Legalization Front-Desking Questionnaire.

The questionnaire referred to is related to a separate program designed to identify applicants who attempted to apply for legalization during the period of May 5, 1987 to May 4, 1988, but whose applications were rejected or "front-desked." Under this program, the questionnaire was reviewed by the Vermont Service Center (VSC) to determine whether the front-desking claim was valid. Submitting a questionnaire to the VSC under this program is not the equivalent of filing a written claim to class membership under one of the LIFE Act related lawsuits, nor does it alter the requirement that the written claim must have been filed prior to October 1, 2000 as stated in 8 C.F.R. § 245a.10. Furthermore, it appears that the questionnaire has been altered and, therefore,

is of questionable value. While the questionnaire document itself appears to be aged, the specific information related to the applicant appears to have been entered more recently.

The documentation presented to establish the applicant's identity and residence does not constitute a timely written claim to class membership prior to October 1, 2000. The remaining documents could possibly be considered as evidence of having made a written claim for class membership, however, neither the Form I-687 nor the Form G-56 includes a Citizenship and Immigration Services (CIS) Alien Registration Number (A-number, or file number) for the applicant, as required in 8 C.F.R. § 245.14(b). Furthermore, there is no record of CIS generating the undated Form G-56 or receiving any application allegedly submitted by the applicant. Clearly, the applicant did not file the Form I-687 application. If she had, an A-file would have been created at that point. In addition, no explanation has been provided as to why, if she had these documents in her possession, they were not submitted with her initial application. As such, the photocopied documents the applicant has submitted are of questionable origin.

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, and attempts to explain or reconcile such inconsistencies, absent competent objective evidence pointing to where the truth, in fact, lies, will not suffice. *Matter of Ho*, 19 I. & N. Dec. 582 (BIA 1988).

It is concluded that the photocopies the applicant has submitted do not establish that she actually filed a written claim for class membership in *CSS/LULAC*, as required in section 1104(b) of the LIFE Act. Given her failure to establish having filed a timely written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.