



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]
MSC 03 249 60736

Office: NATIONAL BENEFITS CENTER

Date: MAR 29 2006

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 claim that she applied for class membership and had an interview with the Immigration and Naturalization Service or the Service (now Citizenship and Immigration Services or CIS) in 1994. The applicant submits documentation 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) (*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.

With her LIFE Act application, the applicant submitted the following:

- A photocopied Form I-72 dated July 17, 1994 that contains the applicant's name and address and scheduled her for an appointment relating to her claim for *CSS* class membership at 10:15 A.M. on May 21, 1995 at the Service's Los Angeles, California Legalization Office.
- A photocopied class membership determination worksheet dated July 17, 1994 that contains an illegible signature, the applicant's name, and the Administrative File number, or A-file number, [REDACTED]. The worksheet requested that the applicant provide evidence to support her testimony that she departed the United States on September 6, 1987.
- An undated and unsigned photocopy of a "Form for Determination of Class Membership in *CSS v. Meese* or *LULAC*."
- An undated and unsigned photocopy of a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA).

If authentic, such documents could possibly serve as evidence of a claim by the applicant for class membership in *CSS/LULAC* prior to October 1, 2000. While the class determination worksheet contains the A-file number, [REDACTED], a review of CIS computer records reveals that this A-file number was in fact issued to an individual other than the applicant. The photocopied class member determination

worksheet the applicant has submitted regarding her alleged claim to class membership cannot be authentic, and only serves to undermine the credibility of her claim to class membership.

In both her response to the notice of intent to deny and on appeal, the applicant includes copies of previously submitted documentation, as well as two new documents relating to her claim for class membership. With her response to the notice of intent to deny, the applicant submitted a photocopied Form M-180, which indicated that the applicant had been interviewed on June 17, 1994. On appeal, the applicant submits another Form M-180 that indicates that the applicant should make an appointment to submit an application at the Service's Los Angeles, California Legalization Office and has the handwritten notation "4/20/94."

The two photocopied Form M-180's 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, these two documents do not contain the applicant's name or any other indication that the documents directly relate to her. 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 1994, 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 6, 2003, in spite of the fact that she claims to have been issued Service documents relating to class membership beginning in 1994. 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 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).

The record reflects all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership in a timely manner. Furthermore, such review revealed that the applicant did not possess a CIS file prior to the filing of her LIFE Act application on June 6, 2003.

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.