

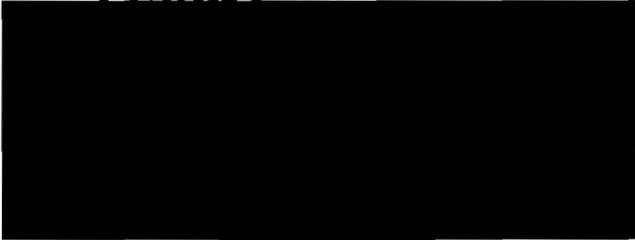
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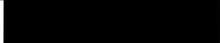
**U.S. Citizenship
and Immigration
Services**

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FILE:



Office: NATIONAL BENEFITS CENTER

Date: JUN 12 2006

MSC 02 312 61359

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. 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, Chief
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 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, the applicant's asserts that he had applied for class membership in one of the requisite legalization class-action lawsuits. The applicant contends that he has resided in this country for over twenty-three years. The applicant includes copies of previously submitted documents, as well as a new document in support of his claim that he applied for class membership prior to October 1, 2000.

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.

At issue in this proceeding is whether the applicant has submitted sufficient credible documentation to demonstrate that he filed a written claim for class membership in one of the legalization class-action lawsuits cited above before October 1, 2000. Here, the submitted evidence is not relevant, probative, or credible.

Although the applicant claimed that he previously applied for class membership in the CSS class action lawsuit in Los Angeles, California on the Form I-485 LIFE Act application, he failed to submit any evidence to corroborate this claim.

In his subsequent response to the notice of intent to deny, the applicant submitted photocopies of the following documents:

- An appointment notice dated February 26, 1991 from the Immigration and Naturalization Service's or the Service's (now Citizenship and Immigration Services or CIS) District Office in Los Angeles, California, bearing the applicant's name, country of birth, and date of birth, which scheduled him for an interview at 8:00 A.M. on May 7, 1991, regarding the late filing of a legalization application under either the CSS or LULAC lawsuits.
- A Form I-687 legalization application that is signed by the applicant and dated February 20, 1995.

- A “Corroborative Affidavit” dated February 20, 1995 that is signed by both the applicant and in which the applicant claimed that he had previously submitted a legalization application under the CSS lawsuit and Mr. [REDACTED] attested to the applicant’s absence from this country from July 29, 1987 to August 25, 1987.

On appeal, the applicant provides copies of the first page of Form I-687 legalization application and the appointment notice, as well as the following new document:

- A photocopy of the first page of a “Form for Determinations of Class Membership in CSS v. Meese.”

The photocopied documents such as that the applicant provides both in response to the notice of intent to deny and on appeal, 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 he truly had the Service appointment notice since at least 1991 or the Form I-687 legalization application, the corroborative affidavit, and the CSS determination form since 1995, he did not submit such documents with his Form I-485 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 Form I-485 LIFE Act application on August 8, 2002, in spite of the fact that he claims to have been issued the Service appointment notice relating to class membership in 1991. 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 photocopied documents provided by the applicant in support of his 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 his having filed a timely written claim for class membership in one of the aforementioned legalization class-action lawsuits. The record reflects that all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership in a timely manner. Given his failure to document that he *timely* filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

The applicant is also inadmissible to the United States due to a medical condition pursuant to section 212(a)(1)(A)(i) of the Act. While a waiver of such ground of inadmissibility is available, no purpose would be served in soliciting such a waiver, as the applicant would still be ineligible for permanent residence under section 1104 of the LIFE Act for the reason stated in the previous paragraph.

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