



U.S. Citizenship
and Immigration
Services

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FILE:

Office: NATIONAL BENEFITS CENTER

Date:

MAR 10 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. 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:

- An undated and unsigned photocopy of a "Form for Determination of Class Membership in *CSS v. Meese* or *LULAC*" that is signed by the applicant.
- A photocopy of a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA) that is signed by the applicant and dated August 20, 1993.
- A photocopied class membership determination worksheet dated November 29, 1994 that contains an illegible signature, the applicant's name, and the Administrative File number, or A-file number, [REDACTED]. The worksheet also contains a handwritten notation concluding that the applicant did not establish class membership because she failed to submit sufficient evidence of residence since prior to January 1, 1982 and did not provide reasonable evidence relating to her departure from this country in the period from May 1, 1987 to May 4, 1988.

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.

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. Such check included the separate A-file, [REDACTED] relating to the applicant's separate Form I-589, Application for Asylum, into which the LIFE Act application has now been consolidated. The applicant has failed to submit documentation that 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.