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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: NATIONAL BENEFITS CENTER

Date:

MAY 10 2007

MSC 03 198 61066

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, 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 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 asserts the director's failure to locate documentation relating to him applying for class membership is because the alien registration number mentioned in the director's decision is not the same alien number that was issued to him. The applicant reaffirms his eligibility for permanent resident status under the LIFE Act. 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 his LIFE application, the applicant submitted: 1) a photocopied notice dated January 13, 1993 purportedly from the Director, Northern Service Center, indicating that, "our records show that your application for legalization was filed under the *Catholic Social Services vs. Meese* court case and that you were granted employment authorization." The notice advised the applicant to contact the legalization office where his application was filed if he had any questions regarding his eligibility. It is noted that the notice contains an insignia stamp of the Dallas, Texas District Office address and a notation indicating an interview would occur by June 30, 1993; 2) a Form I-72 dated June 13, 1992 purportedly issued by the District Director, Dallas, Texas regarding the submission of an application pursuant to the court agreement in *CSS v. Reno*. It is noted that the said form has a revision date of "5/19/93;" 3) a photocopied legacy Immigration and Naturalization Service document dated May 28, 1991, purportedly signed by an officer of the Service, which listed the applicant's name and indicated that the applicant was a member of Subclass I as defined in *CSS v. Meese* or *LULAC* and employment authorization is granted; and 4) a Form for Determination of Class Membership dated May 28, 1991.

On October 1, 2003, the director issued a Notice of Intent to Deny, which advised the applicant that the evidence provided with his LIFE application had failed to establish that he had filed a timely written claim for class membership. The applicant was advised that an examination of Citizenship and Immigration Services (CIS) records failed to disclose any evidence of applicant having previously filed the Form for Determination, and there was no record of CIS generating the photocopies notices submitted by the applicant in items one through three. In fact, no CIS file was ever created in the name of the applicant until he filed this LIFE application on April 17, 2003. The applicant, in response, submitted copies of the documents previously provided along with: 1) a notice dated December 3, 1993, purportedly issued by the Freedom of Information Act Office in Dallas, Texas informing the applicant that his request for information had been received; and 2) a Form I-797, Notice of Action dated June 13, 1995, which purportedly informed the applicant of the opportunity to be re-interviewed for class membership under the CSS case.

The director, in denying the application, noted that documentation submitted in response to the Notice of Intent to Deny failed to establish a timely written claim for class membership. The director further noted that there was no evidence that said documents were sent by or presented to the legacy INS.

The applicant, on appeal, claims that he was given the alien registration number [REDACTED]. The applicant, however, has not provided any evidence to support his claim. Nevertheless, a review of CIS indices, reveal that this alien registration number was assigned to an individual whose name, date of birth, country of birth and place of residence in the United States do not coincide with the applicant's information.

A review of relevant records reveals no evidence that the applicant had a pre-existing file prior to filing of his LIFE application on April 17, 2003, in spite of the fact that he claims to have been issued legacy INS documents relating to class membership beginning in 1991. In addition, the Form I-72 presented by the applicant contains a revision date 11 months after it was purportedly issued to the applicant. 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 legacy INS documents provided by the applicant in support of his 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).

It is concluded that the photocopies documents the applicant has submitted are lacking in credibility and do not establish that he actually filed a written claim for class membership in *CSS/LULAC*, as required in section 1104(b) of the LIFE Act. For failure to meet this statutory requirement, 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.