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Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street, N.W.
Washington, D.C. 20536



FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER Date: DEC 16 2003

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: Attached is the decision rendered on your appeal. The file has been returned to the National Benefits Center. 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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, Missouri Service 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 asserts that, despite any inadequacy regarding the evidence he has submitted, he nevertheless reaffirms his eligibility for permanent resident status under the LIFE Act.

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.

The applicant failed to submit any documentation addressing this requirement when the application was filed. The applicant did provide documentation relating to an application he had previously filed for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA). That application was subsequently denied. The applicant appealed the denial of his application, and the appeal was dismissed by the AAO. An application for SAW status does not constitute an application for class membership in any of the legalization class-action lawsuits. Furthermore, section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of a timely filed and previously denied application for temporary resident status as a special agricultural worker under section 210 of the INA.

In response to the notice of intent to deny, the applicant submitted a photocopy of an alleged determination letter dated April 21, 1993 from the San Francisco district office of the Immigration and Naturalization Service (now, Citizenship and Immigration Services or CIS). The letter, which included the applicant's Alien Registration Number (or A-number), acknowledged that, although the applicant had submitted an application for class membership in CSS, he had failed for various reasons to establish his qualifications for such membership status.

A photocopied determination letter such as that provided by the applicant 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 provides no explanation whatsoever as to why, if he truly had this document in his possession the entire time, he did not submit it along with his LIFE application. Applicants were instructed to provide any and all qualifying evidence with their applications.

On November 17, 2003, the AAO sent the applicant a follow-up communication informing him that, in order to expedite the adjudication of his appeal, he was requested to provide the *original* of the aforementioned photocopied letter of determination from the San Francisco district office. Subsequently, the applicant responded to the AAO's communication, indicating that, while he retains a copy of the document in question, he has been unable to locate the original of that document.

The applicant did not submit the CIS determination letter initially with his LIFE application; nor has he subsequently been able to provide the original of that letter upon request. In this case, the applicant had a prior CIS file in connection with his previous 1988 SAW application. Yet, the determination letter -- allegedly issued to the applicant by CIS on April 21, 1993 -- was not included in his prior file. It must be further noted that from 1988 to 1999, the applicant had either a SAW application or appeal pending, and would have had no need to have applied for class membership in order to seek temporary residence. These questions serve to create considerable skepticism regarding the authenticity and credibility of the applicant's documentation.

Given these circumstances, it is concluded that the photocopied determination letter provided by the applicant in support of his application could not have been generated or issued by CIS and, therefore, cannot be deemed an authentic document.

The applicant has failed to submit documentation which credibly establishes his 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.