

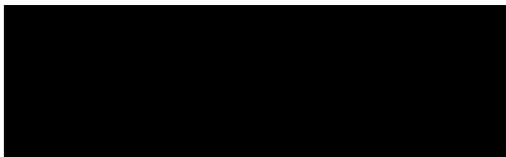
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U.S. Department of Homeland Security
Citizenship and Immigration Services

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



DEC 31 2003

FILE:



Office: NATIONAL BENEFITS CENTER

Date:

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:

Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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, Missouri Service 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 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 reaffirms her eligibility for permanent resident status under the LIFE Act as one who has applied for class membership in the Catholic Social Services (CSS) v. Meese class-action lawsuit. In addition, the applicant provides documentation in support of her assertion that she was interviewed by Citizenship and Immigration Services (CIS) in November 1991 in order to establish eligibility for class membership.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). See 8 C.F.R. § 245a.10.

Along with her LIFE application, the applicant provided the following: a photocopy of a handwritten Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA), purportedly signed by the applicant on November 14, 1990; a photocopied Form for Determination of Class Membership in CSS v. Meese, also allegedly signed on November 14, 1990; and a photocopy of an interview notice dated August 7, 1991, reflecting that the applicant was to be interviewed at CIS's New York City legalization office on November 26, 1991 regarding the question of her eligibility for class membership in CSS/LULAC. At the lower left-hand corner of the document, the photocopied notice carries a July 1991 New York office receipt stamp. While such documents could possibly be considered as evidence of having made a written claim for class membership, none of these submissions include a CIS Alien Registration Number (or A-number) for the applicant. Moreover, according to the director's decision, there is no record of CIS ever having generated or received such notice. It should also be noted that these documents submitted by the applicant in support of her claim to class membership consist entirely of photocopies.

On November 4, 2003, the AAO sent the applicant a follow-up communication informing her that, in order to expedite the adjudication of her appeal, she was requested to provide the original of the aforementioned photocopied interview notice submitted in support of the application. Further, the applicant, on appeal, had provided a separate statement indicating she had entered the U.S. in February 1981 through Buffalo, New York. In its communication to the applicant, the AAO requested that she also provide a detailed account of the circumstances of her entry into the U.S. without inspection.

Subsequently, the applicant responded to the AAO's communication by providing a response in which she attempted to provide details regarding her February 1981 entry into the U.S. at Buffalo, New York. According to her explanation, at the time of her entry, the applicant's uncle and the applicant, who would have been approximately eight years of age, were passengers in a car being driven by a [REDACTED], a family friend and a Canadian citizen. In her account, after being briefly queried by immigration officials at the Buffalo, New York border station, [REDACTED] along with the applicant and her uncle, were permitted to proceed into Buffalo, and eventually arrived in Brooklyn, New York.

This account by the applicant of her entry into U.S. is at variance with other documentation contained in her file. At item 17 on the applicant's completed Form I-687 application, she indicated that she entered the U.S. without inspection. However, according to her recent account in response to the AAO's communication of November 4, 2003, the car in which she was traveling was stopped briefly for inspection by immigration officials at the Canada-Buffalo border before being allowed to proceed. This unresolved inconsistency seriously diminishes the credibility of her attempt to provide an account of the circumstances regarding her purported February 3, 1981 entry into the U.S.

In its communication of November 4, 2003, the AAO also requested that the applicant provide the original of the photocopied interview notice submitted at the time she submitted her LIFE application. However, the document provided by the applicant in response to the AAO's clarification letter was merely another photocopied version of the same document.

It should also be emphasized that this applicant has no prior CIS file. Nor is there any indication of documentation having been submitted to CIS by the applicant until May 29, 2002, when the applicant's LIFE application was received. It is, therefore, concluded that the photocopied interview notice from the New York legalization office does not represent an authentic document which was actually generated and disseminated by CIS. It is further concluded that the photocopies of the Form I-687 and the Form for Determination are not true photocopies of documents which were actually submitted to CIS.

Given her failure to submit credible documentation establishing her having filed a timely written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

It is further noted that an applicant for permanent resident status under section 1104 of the LIFE Act must establish entry into the United States before January 1, 1982 and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. 8 C.F.R. § 245a.11(b). Although the applicant would have been only *eight* years old when she entered the U.S. in February 1981, she has provided no school records whatsoever. Nor has she provided any evidence of residence other than two affidavits, one of which indicates that the applicant was working in 1981 at the age of *nine*. The applicant's lack of credibility regarding this issue creates further negative impact on her claim to class membership.

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