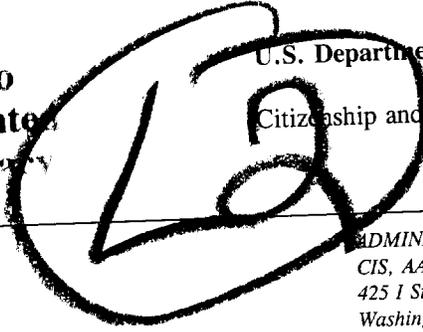


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prevent clearly unwarranted  
invasion of personal privacy

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



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: **NOV 05 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).

IN 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 states that she has proved that she has a prima facie case as a class member.

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.

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. On rebuttal to a notice of intent to deny, the applicant provided an off-center, partial photocopy of an appointment notice dated November 30, 1993 instructing her to submit her application for class membership. Only the top half of the notice has been copied and it lacks a reference A-file number. In addition, it appears the document was faxed on July 20, 2001, from "Internacional Recycl" and the top of the page is identified as page 2. There is no indication as to how many other pages, or what other pages, were originally attached. The fact that a document relating to the applicant, or copy of the document, was faxed to the applicant raises very serious questions as to the authenticity of the document. If she had the appointment notice in her possession, and it is not known why anyone else would have had it, then she would have simply submitted it with her LIFE application.

It should also be noted that the document instructed the applicant to appear for her interview on February 23, 1994 at Citizenship and Immigration Service's Los Angeles legalization office. However, on

the applicant's Biographic Information Form G-325, she indicated that she lived in the [REDACTED]. The claim that CIS would schedule an interview in a city across the country from the applicant's residence is not plausible. It is concluded the photocopy does not signify that an authentic interview notice was ever sent to the applicant.

On appeal, the applicant claims that she has established a case for class membership. However, a check of CIS records and indices fails to establish that a claim for class membership was ever filed by the applicant. Given her failure to document that she filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

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