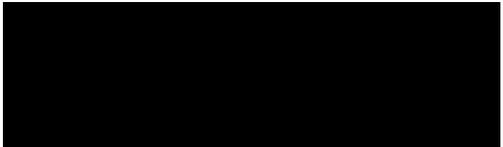


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U.S. Department of Homeland Security  
Citizenship and Immigration Services

**PUBLIC COPY**

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



NOV 10 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:

Identifying data deleted to  
prevent unauthorized  
invasion of personal privacy

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 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, counsel states that he is providing the applicant's A-number as proof that he is a class member in the requisite legalization class-action lawsuits.

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. The 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 included a photocopy of a Form I-687 Application for Status as Temporary Resident Under Section 245A of the Immigration and Nationality Act (INA). However, while a completed I-687 application could be considered as evidence of having applied for class membership pursuant to 8 C.F.R. § 245a.14, the photocopied I-687 provided by the applicant is incomplete, undated and unsigned. Furthermore, an examination of CIS records fails to disclose any evidence of this applicant having previously filed such form.

In response to the notice of intent to deny, counsel provided the applicant's alien registration number (A-number, or file number) in an attempt to show he had applied for class membership. According to counsel, A-numbers assigned to *CSS*, *LULAC* and *Zambrano* applicants by the Houston, Texas office of Citizenship and Immigration Services (CIS) usually commenced with the numerical prefix "93" [the present applicant's A-number is A93 418 329]. According to counsel, this should be sufficient to establish the applicant meets the statutory requirement for eligibility under the LIFE Act. Counsel also submitted a photocopy of a "reconstructed," typewritten Form I-687, along with a photocopied Form for Determination of Class Membership in *CSS v. Reno*, which is signed but not dated.

However, counsel fails to explain why, if these documents were truly in the applicant's possession the entire time, they had not been submitted along with his LIFE application instead of in response to the director's Notice of Intent to Deny. Applicants were instructed to furnish qualifying evidence with their LIFE applications.

Moreover, a "reconstructed" I-687 created after the fact does not constitute original evidence of an applicant having applied for class membership. Counsel's failure to submit these documents initially, his failure to explain why he did not, and his subsequent submission of a "reconstructed" I-687, creates suspicion regarding the authenticity of the applicant's documentation.

While some A93 numbers were issued to CSS, LULAC and Zambrano applicants, other A93 numbers were issued to aliens when they applied for permanent residence under the LIFE Act. That is the case here; the applicant filed his LIFE application, and CIS created file A93 418 329 and assigned that A-number to the applicant. The applicant did not have a pre-existing file and A-number at the time he filed his current LIFE application.

Given his failure to establish having filed a timely 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.