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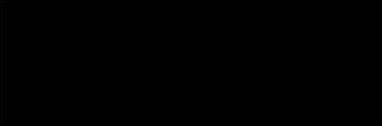
U.S. Department of Homeland Security

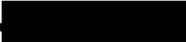
Citizenship and Immigration Services

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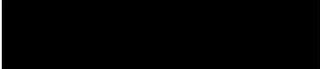
ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street, N.W.
Washington, D.C. 20536



FILE: 

Office: NATIONAL BENEFITS CENTER

Date: **NOV 26 2003**

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: 

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 asserts that documentation he has provided establishes the applicant's eligibility for class membership in CSS/LULAC.

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. Subsequently, in response to the notice of intent to deny, counsel provided the following: a photocopy of an incomplete Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA); a photocopied Affidavit for Determination of Class Membership League of United Latin American Citizens (LULAC) v. INS, purportedly signed by the applicant on January 29, 1991; and a photocopy of an interview notice dated May 7, 1991 reflecting that the applicant was to be interviewed at the Citizenship and Immigration Services (CIS) in Hialeah, Florida, on April 24, 1992 regarding the question of his eligibility for class membership in the LULAC legalization class-action lawsuit.

However, while such documents could be considered as evidence of having made a written claim for class membership, none of these items submitted into the record contains a Citizenship and Immigration Services (CIS) Alien Registration Number (A-number) for the applicant. CIS documents should show an A-number, otherwise known as the file number, pursuant to 8 C.F.R. § 245a.14(d). Nor is there any indication that the documentation was ever actually

filed with or received by CIS. Furthermore, the applicant provides no explanation whatsoever as to why, if he truly had these documents in his possession the entire time, he did not submit them initially along with his LIFE application. Applicants were instructed to provide qualifying evidence with their applications. It is further noted that the applicant is one of many aliens residing in New York City who have furnished such questionable photocopied documents with their LIFE applications.

It is also significant that, on November 16, 1992, a Form I-213 Record of Deportable Alien, was prepared by the Immigration Inspector on the occasion of the applicant having unsuccessfully attempted to reenter the U.S. from Canada. An examination of the narrative section detailing the applicant's responses fails to show any reference to his ever having applied for class membership in LULAC in 1991.

Given his failure to present credible documentation of having 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.