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U.S. Department of Homeland Security
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Washington, DC 20536



U.S. Citizenship
and Immigration
Services



FILE:



Office: National Benefits Center

Date:

APR 05 2004

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:

This is the decision of the Administrative Appeals Office in your case. 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.

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. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the record did not establish that the applicant, or her spouse, Rafael Santos Gomez, through whom she asserted derivative eligibility, had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000. The application was therefore denied.

On appeal, the applicant submits some additional documentation pertaining to her husband's asserted claim for class membership which was allegedly "not available" when she filed her application.

An applicant for permanent resident status under section 1104 of 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 one 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 section 1104(b) of the LIFE Act and 8 C.F.R. § 245a.10. Alternatively, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership in a legalization class-action lawsuit before October 1, 2000. 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.

In her LIFE application the applicant identified *CSS v. Meese* as the basis of her derivative eligibility for adjustment to permanent resident status, but she submitted no supporting documentation. In response to the director's notice of intent to deny, the applicant wrote a letter stating that she was attaching a copy of "my husband's correspondence regarding the classification as a Catholic Social Service." In fact, no such correspondence was attached to the letter. On appeal, the applicant submitted photocopies of the following documents, which were also submitted by the applicant's husband, [REDACTED] in support of his own LIFE application appeal:

- 1) a photocopied Form I-687 application for status as a temporary resident under section 245A of the Immigration and Nationality Act (INA), allegedly signed by the applicant's husband in November 1989,
- 2) a photocopied Form for Determination of Class Membership in *CSS v. Meese*, allegedly signed by the applicant's husband on March 15, 1995, and
- 3) a notice from the INS Legalization Office in Los Angeles, dated February 14, 1995, purportedly scheduling an interview for the applicant's husband on September 19, 1996 "to submit your application for amnesty as a CSS vs. Thornburgh or LULAC vs. INS class member."

As discussed in the decision being issued concurrently on the application of [REDACTED] the applicant provides no explanation as to why, if these documents truly date from 1989 and 1995, respectively, she did not submit them with her LIFE application. In her appeal the applicant asserts simply, and without elaboration, that the documents were "not available" at the time she filed her application. Citizenship and

Immigration Services (CIS) has no record of the I-687 and class membership determination forms being filed by the applicant's husband prior to March 25, 2003, the date of the appeal in the instant proceeding, and the applicant has furnished no evidence, such as postal receipts, that either form was sent to INS prior to October 1, 2000, as required to be considered as a timely filed claim for class membership under the LIFE Act. With respect to the interview notice, CIS has no record of having sent it to the applicant's husband in 1995, or of interviewing him in 1996. The applicant has provided no details about her husband's alleged interview, or even confirmed that it took place. Moreover, the applicant has not explained why, if the interview notice was truly sent to her husband in 1995, neither she nor her husband has submitted the original to this office. The record contains only a photocopy.

For all of the reasons discussed above, it is concluded that *none* of the pertinent photocopies submitted by the applicant – *i.e.*, the letter to the Attorney General, the Form I-687, the Form for Determination of Class Membership in *CSS v. Meese*, and the interview notice – is a true copy of an authentic document.

The evidence of record, therefore, does not establish that the applicant's husband filed a written claim for class membership in *CSS* prior to October 1, 2000, as required for the applicant, claiming derivative rights, to be eligible for legalization under section 1104(b) of the LIFE Act and 8 C.F.R. § 245a.10. Nor is there any record that the applicant filed a written claim for class membership on her own.

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.