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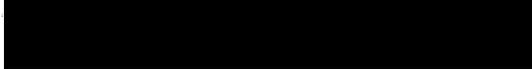
FILE:



Office: NATIONAL BENEFITS CENTER

Date: APR 15 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.

for
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 (AAO) 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, the applicant asserts that the evidence he has provided should serve to establish his eligibility for permanent resident status under the LIFE Act.

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) (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 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. In response to the notice of intent to deny, the applicant provided the following:

- a photocopy of an incomplete [pages 1 and 4, only] Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was purportedly signed by the applicant on June 12, 1991;
- a photocopied Form for Determination of Class Membership in *CSS v. Meese*, also purportedly signed by the applicant on June 12, 1991; and
- a corroborative affidavit signed by the applicant on June 12, 1991, in which he attests to having submitted an application for class membership in *CSS v. Meese*.

Documentation such as that provided by the applicant *may* be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. § 245a.14(d). However, in this case, 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 along with his LIFE application. Applicants were instructed to provide any and all qualifying evidence *with* their applications. The applicant's failure to submit these documents initially, along with his failure to explain why he did not, creates suspicion regarding the authenticity of the documents. In addition, none of these documents includes a Citizenship and Immigration Services (CIS) Alien Registration

Number (or A-number) assigned to the applicant. Nor is there is any indication in CIS administrative or computer records of the applicant ever having filed such documents or of CIS ever having received them prior to the applicant having filed his LIFE application on June 3, 2002.

Given these circumstances, it is concluded that the photocopied determination form and incomplete Form I-687 application provided by the applicant cannot be deemed authentic copies of documents which were actually submitted prior to October 1, 2000. The applicant has, therefore, failed to submit documentation which credibly establishes his having filed a timely written claim for class membership in one of the aforementioned legalization class-action lawsuits. 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.