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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:

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
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 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, counsel provides a separate statement, in which she indicates she is providing the applicant's A-number as proof that she 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) (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. The 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 or, subsequently, in response to the notice of intent to deny. On appeal, counsel submits a separate statement in which she provides the applicant's alien registration number (A-number, or file number) in an attempt to show the applicant 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 ██████████]. According to counsel, this should be sufficient to establish the applicant meets the statutory requirement for eligibility under the LIFE Act.

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

The applicant, on appeal, also submits a separate personal affidavit in which she asserts that she has resided in the U.S. since 1976, and that she visited the Houston, Texas legalization office in 1990 to apply for class membership in CSS/LULAC. However, the applicant fails to explain *why* she made no mention of this purported 1990 visit to the Houston legalization office at the time she initially submitted her LIFE application *or* in response to the notice of intent to deny. Nor does she provide any independent, corroborative evidence to support this assertion. The applicant's failure to mention this alleged visit to the Houston legalization office to

apply for class membership in CSS/LULAC -- either initially or later, on rebuttal -- creates considerable suspicion regarding the credibility of her claim and the authenticity of her documentation.

Given her 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.