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L2

[REDACTED]

FILE:

[REDACTED]

Office: NATIONAL BENEFITS CENTER

Date: APR 15 2004

IN RE: Applicant:

[REDACTED]

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:

[REDACTED]

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, 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, counsel for the applicant asserts that documentation included in the record clearly establishes that, on or before January 13, 1993, the applicant filed a timely written claim for class membership in the CSS legalization lawsuit.

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.

Along with his LIFE application, the applicant provided the following:

- a photocopied Form for Determination of Class Membership in CSS v. Meese or LULAC, which was allegedly signed by the applicant on January 30, 1993;
- a photocopy of an undated Form I-72 Notice from the Immigration and Naturalization Service (INS), now Citizenship and Immigration Services (CIS), addressed to the applicant, indicating that he had failed to establish class membership under CSS/LULAC;
- two photocopied letters from [REDACTED] of INS dated January 13, 1993 and January 25, 1995, respectively, purportedly confirming that the applicant had filed for class membership in CSS, and informing him that no final decision had at yet been reached in that case;
- a photocopied Notice of Action from INS dated June 23, 1993, informing the applicant that applicants who had previously filed claims for class membership in CSS would be re-interviewed; and
- a photocopied notice dated June 24, 1994 from INS officer [REDACTED] indicating that the applicant is a member of the CSS or LULAC subclass and that employment authorization is to be granted.

It is noted that these photocopied documents are the same as what many aliens in the Dallas area have provided. Those photocopies have been deemed to be counterfeit, and those aliens all filed frivolous appeals in which they failed to contest the finding of fraud. This applicant, apparently a resident of Illinois, traveled to Dallas to have his medical examination completed for the purpose of filing this LIFE application. The fact that he has submitted the *same* photocopied documents as those previously determined to be fraudulent cannot be overlooked.

On February 3, 2004, the AAO sent the applicant's attorney a follow-up communication informing him that, in order to expedite the adjudication of his appeal, he was requested to provide *originals* of the aforementioned photocopied documents purportedly sent to the applicant by INS. Subsequently, counsel responded to the AAO's communication with *additional* photocopies of the aforementioned INS documents, asserting in his cover letter that the originals of the requested documents would have already have been submitted to INS and should, therefore, now be in the possession of CIS.

Although not requested by the AAO, counsel accompanied his response with a copy of the Form for Determination of Class Membership in *CSS v. Meese* or *LULAC* dated January 30, 1993, which contains an original signature and date recorded in ink. This would indicate that the determination form was, in fact, an *original* document, rather than a photocopy of what counsel is claiming the applicant had previously submitted in 1993. Yet, if the applicant *had* actually submitted this determination form in 1993, as claimed, he would have surely have provided CIS with an *original* of the form, which would thereafter have been in the possession of CIS. However, an examination of CIS administrative and computer records fails to disclose any evidence of this applicant having previously filed this determination form. Nor is there any record of CIS having generated or received and of the photocopied CIS notices and communications submitted by the applicant.

Virtually all of the documents submitted by the applicant in support of his claim to class membership consist *entirely* of photocopies. The applicant's inability to provide the originals of the photocopied CIS documents requested by the AAO creates suspicion regarding the documents' authenticity. In addition, the applicant's submission of an original of a determination form that he had allegedly previously submitted to CIS raises further doubt regarding the credibility of the applicant's documentation.

The applicant has failed to submit documentation which credibly establishes that he 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.