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U.S. Department of Homeland Security  
20 Mass, Rm. A3042, 425 I Street, N.W.  
Washington, DC 20536



U.S. Citizenship  
and Immigration  
Services

[Redacted]

FILE: [Redacted] Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant: [Redacted]

APR 23 2004

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*  
for

Robert P. Wiemann, Director  
Administrative Appeals Office

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

PHOTOCOPY

**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 submitted should serve to establish his eligibility for permanent resident status under the LIFE Act as one who has filed a claim for class membership in the CSS class-action 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 submitted a photocopy of a Form for Determination of Class Membership in CSS v. Meese, which was allegedly signed by the applicant on October 10, 1990. However, there is no indication in Citizenship and Immigration Services (CIS) electronic or administrative records that this document was ever received by this agency. The applicant also provides a photocopy of what appears to have been a Legalization Fee Receipt. While the quality of this photocopy is reasonably clear, the only information provided is the letterhead at the top of the form containing name and address of the Ft. Lauderdale legalization office of INS (now, Citizenship and Immigration Services, or CIS). The remainder (or body) of the form itself is blank. Subsequently, in response to the notice of intent to deny, the applicant provided another photocopy of this receipt. However, while this subsequent photocopy appears to contain more information than simply the letterhead at the top, the quality of this submission is so poor as to render the document illegible. While a reference to "CSS" can be detected upon close examination of this photocopied document, neither the name of the applicant nor the document's date of issuance nor any other relevant data can be discerned. Under these circumstances, such a document can have no probative or evidentiary value.

In response to the notice of intent to deny, the applicant submitted a personal statement in which he asserted that in July 1987, he filed a written claim for class membership in the CSS legalization class-action lawsuit at the Immigration and Refugee Services section of Catholic Social Services in Brooklyn, New York. However, July 1987 -- the date of the applicant's purported filing of a claim for class membership -- would have been

only two months after the inception of the May 5, 1987 to May 4, 1988 application period for temporary resident status (legalization) under the Immigration Reform and Control Act (IRCA). At this time, class membership applications were not as yet being accepted by INS (now, CIS).

The applicant also asserted in his personal statement that he had attempted to file an application for legalization under IRCA at the INS legalization office in Hialeah, Florida "at the end of 1990." However, this assertion by the applicant is directly contradicted by the fact that, as previously noted, the application period for filing for legalization under IRCA ended *May 4, 1988*. As such, the applicant's assertions in response to the notice of intent to deny serve to create considerable skepticism regarding the credibility of his claim as well as the authenticity of his documentation.

The applicant has 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.