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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services



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AUG 25 2004

FILE: [Redacted] Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant: [Redacted]

PETITION: 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. All documents have been returned to the office that originally decided your case. 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 was reopened and denied again by the Director, National Benefits Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

In both decisions, the directors 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 of the initial decision, the applicant affirms his claim to have filed a timely application for class membership in CSS. In addition, the applicant submits photocopies of documentation in support of his appeal.

The applicant does not respond to the subsequent decision.

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 or in response to the director's initial notice of intent to deny. On appeal of the initial decision, the applicant submitted the following:

- A photocopy of a letter dated December 12, 1997 from the applicant to former President Clinton and former Attorney General Reno. In his correspondence, the applicant refers to himself as part of a larger group of illegal aliens who had attempted to file for temporary residence (legalization) during the May 5, 1987 to May 4, 1988 application period but were determined to have been ineligible by reason of having engaged in unauthorized travel. The applicant requests that, as a result of having been mistakenly discouraged from applying for legalization during the original filing period, he should be deemed eligible under the late legalization process;
- a photocopied Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA), which was purportedly signed by the applicant on December 15, 1995;

- a photocopy of a communication dated December 15, 1995 from the applicant to the Immigration and Naturalization Service or INS (now, Citizenship and Immigration Services or CIS), in which the applicant requests that he be interviewed for class membership in CSS; and
- a photocopied Form for Determination of Class Membership in CSS v. Meese, which was also signed by the applicant on December 15, 1995.

Such photocopied documents may be furnished in an effort to establish that an alien had previously applied for class membership. However, the applicant does not explain why, if these documents were truly in his possession the entire time, he did not submit them initially along with his LIFE application or even in response to the initial notice of intent to deny, but only after having received the director's decision denying his LIFE application. Applicants for LIFE eligibility were advised to provide any and all qualifying evidence *with* their applications. The applicant's failure to submit these documents initially or in response to the initial notice of intent to deny, or to explain why he did not, creates suspicion regarding their authenticity.

Furthermore, there is no indication in CIS administrative or computer records of the applicant having previously filed such documentation. In fact, no CIS file was ever created in the name of the applicant until he filed his LIFE application on May 31, 2002. This raises further questions as to the credibility of the applicant's documentation as well as his claim to eligibility for adjustment of status under the LIFE Act.

There are no records within CIS which demonstrate that the applicant submitted a written claim for class membership in CSS or any of the legalization class-action lawsuits prior to October 1, 2000. Given his 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.