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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



**U.S. Citizenship
and Immigration
Services**



AUG 25 2004
Date:

FILE:

Office: NATIONAL BENEFITS CENTER

IN RE: Applicant:

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, National Benefits 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 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, the applicant submits a separate statement in which she reaffirms her claim to have filed for class membership in LULAC, and requests that the director's decision denying her application be reconsidered.

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 at the time her LIFE application was filed. Subsequently, in response to the notice of intent to deny, the applicant submitted affidavits from Alvaro Escalante and Exequiel Valasques. In both affidavits, the affiants asserted that the applicant had attempted to submit an application for class membership in LULAC but that her application was rejected by an officer of the Immigration and Naturalization Service or INS (now, Citizenship and Immigration Services). The statements and wording of both affidavits are virtually identical in content and format, the text obviously having been intended for general use. While the affiants base their knowledge of the applicant's purported attempt to apply for LULAC on "personal knowledge," they fail to specify the *means* by which they acquired such knowledge. Without this information, the affidavits provided by the applicant are of little or no probative or evidentiary value.

The applicant has submitted no additional, independent, corroborative evidence to support her claim to have submitted a timely claim to class membership in LULAC. Nor is there any indication in CIS administrative or computer records of the applicant ever having unsuccessfully attempted to file an application for legalization during the May 5, 1987 to May 4, 1988 filing period, or the applicant having sought, without success, to file an application for class membership in LULAC or in any other legalization class-action lawsuit prior to October 1, 2000.

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.