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U.S. Citizenship
and Immigration
Services



FEB 02 2004

FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

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: 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, 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, the applicant asserts that the documentation she has provided establishes her claim to eligibility for permanent resident status under the LIFE Act as one who has applied for class membership in the Catholic Social Services (CSS) v. Meese 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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). See 8 C.F.R. § 245a.10.

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

- a handwritten Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA), purportedly signed by the applicant and dated “5/14/8” [sic];
- a handwritten Legalization Front-Desking Questionnaire allegedly signed by the applicant on September 27, 2000;
- a marginally-legible photocopy of a notice dated June 1, 1992 from Citizenship and Immigration Services (CIS) Vermont Service Center, apprising her that her application would be held for processing pending the outcome of pertinent litigation; and
- a handwritten, completed Form for Determination of Class Membership in CSS v. Meese, supposedly signed by the applicant on September 16, 1988.

On November 10, 2003, the AAO sent the applicant a follow-up communication informing her that, in order to expedite the adjudication of her appeal, she was requested to provide the *original* of the aforementioned photocopied determination notice of June 1, 1992 from CIS’s Vermont Service Center to the applicant. Further, the applicant indicated on her Form I-485 LIFE application that she last entered the United States on May 9, 1988 through Buffalo, New York. In addition, according to her Biographic Information Form G-325A, she has resided in the U.S. since February 1981. In its communication to the applicant, the AAO requested that the applicant also provide a detailed explanation of how she entered the U.S. at Buffalo without inspection on May 9, 1988, well as the circumstances of her *prior* entry in February 1981.

As of this date, the applicant has not responded to the AAO’s communication of November 10, 2003. The applicant’s failure to submit the original of the photocopied CIS determination notice creates suspicion regarding the document’s authenticity. Nor has the applicant offered a credible explanation to account for her purported May 9, 1988 and February 1981 entries into the U.S. It should also be noted that none of the aforementioned photocopied documents contains a Citizenship and Immigration Services (CIS) Alien Registration Number (A-number) for the applicant. Moreover, the completed, handwritten Form for Determination of Class Membership, the Legalization Front-Desking Questionnaire, and the application Form I-687 are all completed in ink. Clearly, these are not photocopies of documents that had ever previously been submitted by the applicant to CIS.

Given the applicant's failure to submit credible documentation establishing her having filed a timely written claim for class membership, she 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.