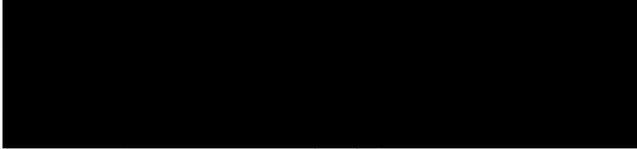


**PUBLIC COPY**



U.S. Citizenship  
and Immigration  
Services

**Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**



FEB 06 2004

FILE:



Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant:



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. 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 submitted additional documentation in support of his claim to eligibility for permanent resident status under the LIFE Act.

The applicant did 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 (LULAC) v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc. (CSS)*, 509 U.S. 43 (1993) (LULAC), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano (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 the following:

- a photocopied, undated 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;
- a photocopy of a notice dated July 13, 1993 from the Immigration and Naturalization Service (INS, now Citizenship and Immigration Services or CIS), reflecting that the applicant was to be interviewed at INS's Los Angeles, California legalization office at 9:30am on February 21, 1994, regarding the question of his eligibility for class membership in the CSS or LULAC class-action lawsuits; and
- a photocopy of an undated, unsigned, completed Form for Determination of Class Membership in *CSS v. Meese*;

On November 28, 2003, the AAO sent a follow-up communication to the applicant, informing him that, in order to facilitate the adjudication of his appeal, he was requested to provide the *original* of the photocopied July 13, 1993 interview notice he claimed to have received from the Los Angeles legalization office. As of this date, however, the applicant has failed to provide an original of this requested document.

The applicant's failure to provide, upon request, the original of the aforementioned photocopied interview notice creates considerable suspicion regarding its authenticity and credibility. None of the documents provided by the applicant include a CIS Alien Registration Number (or A-number); nor does the photocopied

interview notice include the signature of any CIS officer. It should also be noted that the documents submitted by the applicant in support of his claim to class membership consist *entirely* of photocopies. Given these circumstances, it is concluded that the photocopied interview letter provided by the applicant in support of his application could not have been generated or issued by CIS and, therefore, cannot be deemed an authentic document.

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