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U.S. Department of Homeland Security
Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street N.W.
Washington, D.C. 20536



File:



Office: National Benefits Center

Date:

JAN 16 2004

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:

Attached is the decision rendered on your appeal. The file has been returned to the National Benefits Center that processed your case. If your appeal was sustained, or if your case 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. Wienmann, 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 (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 stated that he applied under the *CSS* program and had his interview on March 15, 1994. The applicant also submitted additional documentation in support of his application, and resubmitted evidence previously provided to Citizenship and Immigration Services (CIS).

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.

Included with the applicant's LIFE application was a photocopy of a CIS interview notice dated August 9, 1993, which was allegedly given to the applicant. The notice reflects that the applicant was to be interviewed at 11:25am on March 15, 1994 at CIS's Los Angeles, California legalization office regarding his submission of an application for amnesty as a *CSS* class member. Pursuant to 8 C.F.R. § 245A.14, such a document may be considered as evidence of having applied for class membership.

On rebuttal to the notice of intent to deny, the applicant furnished photocopies of a Form I-687 Application for Status as a Temporary Resident dated June 29, 1993; an Affidavit of Circumstances dated July 30, 1993; a response notice dated July 30, 1993; and, a Form I-72 dated August 3, 1993. The last two documents were theoretically issued by CIS, and all of the documents seemingly relate to a request for class membership.

On appeal, the applicant asserts that the photocopied interview notice is evidence that he applied for LIFE under CSS prior to October 1, 2000.

On November 12, 2003, the AAO sent the applicant a follow-up communication informing him that, in order to expedite the adjudication of his appeal, he was requested to provide the *original* of the photocopied interview notice, along with originals of other documents he might have received from CIS bearing the applicant's alien registration number.

Subsequently, the applicant responded to the AAO's communication by submitting documents relating to the applicant's current Form I-485 Life application. In addition, the applicant provided another photocopy of the August 9, 1993 appointment notice. However, the material submitted by the applicant still includes only a photocopy of the interview notice, as opposed to the *original* of that document requested in the AAO's letter of November 12, 2003. The applicant indicated that he was submitting all of the original documentation that he had.

It is noted that, in this process, the applicant initially provided only the photocopy of the interview notice. Later, he provided photocopies of the other documents, without explaining why he withheld them originally. There would have been no logical reason to withhold them. Finally, the applicant has been unable to provide the original of any of CIS's alleged communications to him. These factors cast doubt on the claim that the three CIS notices were indeed ever sent to him.

The applicant had no prior A-file with CIS before his filing of the current LIFE application. There are no known "CIS copies" of the notices allegedly received by the applicant from CIS. Given these circumstances, it is concluded that the photocopied notices provided by the applicant in support of his claim do not represent actual notices that were ever generated by CIS or sent by the applicant to CIS.

As he has failed to credibly 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.