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U.S. Citizenship
and Immigration
Services



FILE:



Office: NATIONAL BENEFITS CENTER

Date: **JAN 22 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:

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 Administration 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 states that he filed a claim for class membership in the CSS class-action lawsuit. The applicant asserts that he filed this claim in addition to having filed an application for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA).

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.

A review of the record of proceedings discloses that the applicant timely filed an application for temporary resident status as a special agricultural worker (SAW) under section 210 of the INA on July 11, 1988, and the application was denied on August 9, 1991. The applicant's appeal to the denial of his application was dismissed by the AAO on April 2, 1999. An application for SAW status does not constitute an application for class membership in any of the legalization class-action lawsuits. Furthermore, section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of a timely filed and previously denied application for temporary resident status as a special agricultural worker under section 210 of the INA.

Along with his LIFE application, the applicant submitted a photocopy of an interview notice dated August 18, 1994 from the Citizenship and Immigration Services (CIS) legalization office in Los Angeles, California, reflecting that he was to be interviewed at 10:00am on October 31, 1995 regarding the question of his eligibility for class membership in the *CSS v. Thornburgh (CSS)* legalization class-action lawsuit. Subsequently, in response to CIS's notice of intent to deny, the applicant submitted a photocopy of a CIS worksheet dated October 31, 1995, which contains a marginally-legible handwritten notation indicating that the applicant had failed to establish eligibility for class membership in CSS. The applicant also provided a photocopy of an undated, completed Form for Determination of Class Membership in *CSS v. Thornburgh*, which is allegedly signed by the applicant, along with a photocopy of a "Corroborative Affidavit" signed by the applicant on February 16, 1994, attesting to his having submitted an application for class membership in *CSS v. Thornburgh*. In addition, the applicant submitted a photocopied Form I-687 Application for Status as a Temporary Resident under section 245A of the INA, also dated February 16, 1994.

On November 24, 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 *originals* of both the photocopied August 18, 1994 interview letter from the Los Angeles legalization office as well as the October 31, 1995 CIS worksheet. As of this date, however, the applicant has failed to provide originals of the requested documents.

The applicant's failure to provide originals of the aforementioned documents creates considerable suspicion regarding their authenticity and credibility. In this case, the applicant had a *prior* CIS file, created in 1988, in connection with his previous special agricultural worker application under section 210 of the INA. Yet, neither the determination letter, purportedly sent to the applicant on April 21, 1993, nor the CIS worksheet dated October 31, 1995 are included in the applicant's prior folder. The originals of the form for determination, the Form I-687, and the Corroborative Affidavit are also not included in the prior file. Furthermore, while the applicant would have been assigned an Alien Registration Number or A-number at the time he filed his application for SAW status on July 11, 1988, none of the photocopied documents in question include an A-number. It should also be noted that the documents submitted by the applicant in support of his claim to class membership consist *entirely* of photocopies. It is concluded that these photocopies do not represent authentic documents which were actually submitted to CIS.

Given his failure to present credible documentation of having filed a 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.