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U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: NATIONAL BENEFITS CENTER

Date:

IN RE:

Applicant:



JUL 14 2004

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

**PUBLIC COPY**

It is the policy of the Department of Homeland Security to prevent clearly unwarranted invasion of personal privacy.

**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 reaffirms her claim to have filed a timely claim for class membership in CSS, and asserts that Citizenship and Immigration Services (CIS) may not have her in their records because her documentation may have been misplaced.

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.

Along with her LIFE application, the applicant submitted a photocopy of a communication dated September 26, 1990 from the Immigration and Naturalization Service or the Service (now, CIS) referencing an application having been submitted for class membership in CSS. According to this communication, the Service rejected the applicant's application for class membership in CSS as the applicant was statutorily ineligible by reason of her having departed the U.S. in May 1985 and again in November 1993. A photocopied notice of this nature may be considered as evidence of having filed a written claim for class membership, pursuant to 8 C.F.R. § 245a.14(d). However, as noted by the director in his decision, there is no indication in CIS administrative and electronic data records that the Alien Registration Number (or A-Number) indicated on the photocopied Service communication -- A93 199 865 -- had ever been issued to the present applicant. This serves to create considerable skepticism regarding the authenticity and credibility of the applicant's documentation.

The applicant has submitted no additional evidence which credibly establishes her having filed a timely claim for class membership in the CSS class-action lawsuit. Given this, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.