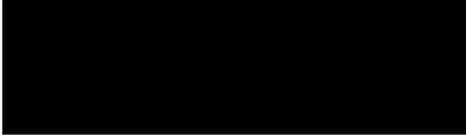


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prevent clearly unwarranted
invasion of personal privacy**



**U.S. Citizenship
and Immigration
Services**



L2

FILE:



Office: NATIONAL BENEFITS CENTER

JUN 09 2004
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 asserts that he attempted to file an application for class membership in CSS, but was informed that he was ineligible due to having engaged in unauthorized travel.

The applicant does 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), *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.

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. The regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

The applicant failed to submit any documentation addressing this requirement when the application was filed. In response to the director's initial Notice of Intent to Deny, the applicant provided the following:

- an undated notice from the Immigration and Naturalization Service or the Service (now, Citizenship and Immigration Services or CIS) that class membership applications pertaining to CSS v. Reno will no longer be accepted;
- a photocopy of a notice dated July 30, 1992 reflecting that the applicant was to be interviewed at the Los Angeles, California CIS office on August 12, 1992 at 9:00am, regarding the question of his eligibility for class membership in the CSS legalization class-action lawsuit;
- a photocopied Form for Determination of Class Membership in CSS v. Thornburgh(Meese), which was signed by the applicant but carries no date of signature; and
- a photocopied a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was purportedly signed by the applicant on June 10, 1992.

The photocopied submissions provided by the applicant may be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. 245a.14(d). However, the applicant fails to explain *why*, if he truly had these documents in his possession the entire time, they had not been submitted originally at the time the applicant filed his LIFE application. Applicants were instructed to furnish qualifying evidence *with* their applications. The applicant's failure to submit the documents initially and later, on rebuttal, and his failure to explain why he did not, creates suspicion regarding the authenticity of the documents.

Moreover, the I-687 application and class membership determination form provided by the applicant include sections completed in ink, accompanied by "live" signatures. As such, these constitute *original* documents, rather than photocopies of what the applicant is claiming he had submitted in the past. If the applicant had actually submitted either of these documents prior to October 1, 2000, they would be in the possession of CIS, and the applicant would presumably have only photocopies to furnish now in this LIFE proceeding.

Additionally, an examination of CIS administrative and electronic data records fails to disclose any evidence of this applicant ever having previously filed, or the Service having received, such documents. In fact, no CIS file was ever created in the name of the applicant until he filed this LIFE application on December 21, 2001.

Given his failure to credibly establish having filed a timely written claim for class membership in any of the aforementioned legalization class-action lawsuits, 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.