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

LA

FILE:

Office: National Benefits Center

Date: JUN 23 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 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

**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 states "I am appealing this decision although I do not have enough evidence of the benefits sought I do consider that I am eligible for the adjustment of status."

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.

The applicant failed to submit any documentation addressing this requirement when the application was filed. The applicant did provide documentation relating to an application he had previously filed for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA). That application was subsequently denied. The applicant appealed the denial of his application, and the appeal was dismissed by the Legalization Appeals Unit of the Office of Administrative Appeals in Washington, D.C., the AAO's predecessor office, on August 7, 1995. 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 SAW under section 210 of the INA.

In response to the notice of intent to deny, the applicant submitted a photocopy of an alleged determination letter dated March 19, 1993 from the San Francisco District Office of the Immigration and Naturalization Service, predecessor to Citizenship and Immigration Services (CIS). The letter, which included the applicant's Alien Registration Number (or A-number), acknowledged that, although the applicant had submitted an application for class membership in CSS, he had failed for various reasons to establish his qualifications for such membership status.

A photocopied determination letter such as that 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 provides no explanation whatsoever as to *why*, if he truly had this document in his possession the entire time,

he did not submit it along with his LIFE application. Applicants were instructed to provide any and all qualifying evidence with their applications.

In this case, the applicant had a *prior* CIS file in connection with his previous 1988 SAW application. Yet, the determination letter was *not* included in his prior file. It must be further noted that from 1988 to 1995, the applicant had either a SAW application or appeal pending, and would have had no need to apply for class membership in order to seek temporary residence. These questions serve to create considerable skepticism regarding the authenticity and credibility of the applicant's documentation.

Given these circumstances, it is concluded that the photocopied determination letter provided by the applicant in support of his application had not been generated or issued by CIS and, therefore, cannot be deemed an authentic document.

The applicant has failed to submit documentation that credibly establishes his having filed a timely written claim for class membership in one of the aforementioned legalization class-action lawsuits. Accordingly, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

Section 1104(c)(2)(B)(i) of the LIFE Act provides that each applicant for permanent resident status must establish that he or she entered and commenced residing in the United States in an unlawful status since before January 1, 1982 through May 4, 1988. On his Form I-700 Application for Temporary Status as a Special Agricultural Worker, the applicant indicates that he resided abroad from at least May 1, 1983 until he entered the United States from Mexico in February 1985 to reside in Stockton, California. Given the applicant's inability to meet the statutory requirement of continuously residing in the United States in an unlawful status since before January 1, 1982 through May 4, 1988, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act for this additional reason.

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