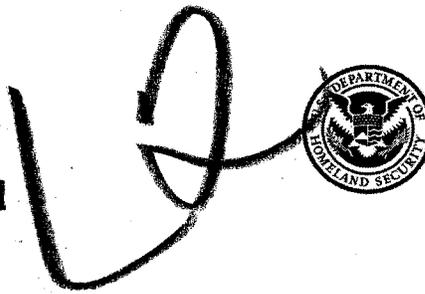


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prevent clearly unwarranted
invasion of personal privacy**



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



FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date **MAR 22 2004**

IN RE: Applicant: [Redacted]

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann for".

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 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 eligibility for permanent resident status under the LIFE Act as one who has resided in the U.S. for 21 years and has applied for class membership in the CSS legalization class-action lawsuit.

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. Subsequently, in response to the notice of intent to deny, the applicant submitted the following:

- a photocopy of an alleged determination letter dated February 24, 1991 from the Immigration and Naturalization Service (now, Citizenship and Immigration Services or CIS). The letter acknowledged that, although the applicant had submitted an application for class membership in CSS, she needed to submit additional evidence of residence in the U.S. from January 1, 1981 to 1988;
- a photocopied 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 7, 1993; and
- a photocopy of a completed Form for Determination of Class Membership in CSS v. Thornburgh, which is also allegedly signed by the applicant on June 7, 1993.

Documentation such as that provided by the applicant *may* possibly be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. § 245a.14(d). However, the photocopied determination letter does not include a CIS Alien Registration Number (A-number) for the applicant. Nor is there any indication in computer or administrative records that such letter ever generated or issued by CIS. In addition, the applicant provides no explanation whatsoever as to *why*, if she truly had the aforementioned submissions in her possession the entire time, she did not submit them along with his LIFE application. Applicants were instructed to provide any and all qualifying evidence with their applications. The applicant's failure to submit

these documents initially, and failure to explain why she did not, creates suspicion regarding their authenticity.

An A-file was never created for the applicant by CIS until June 4, 2002, when her LIFE application was received. Nor is there any indication in CIS administrative or computer records of the applicant ever having filed such documents. Given these circumstances, it is concluded that the photocopied submissions provided by the applicant in response to the notice of intent to deny cannot be deemed authentic copies of documents which were actually submitted.

The applicant has, therefore, failed to submit documentation which credibly establishes her 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.

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