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U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



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

FILE:

Office: NATIONAL BENEFITS CENTER

MAR 22 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, 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 asserts that, on December 2, 1994, she and her husband visited the Los Angeles legalization office of Citizenship and Immigration Services (CIS) to apply for class membership under CSS. According to the applicant, their supporting documentation was accepted by the legalization office but he and his spouse are still awaiting word as to the disposition of their class-membership applications.

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 filed a poorly reproduced photocopy of part of a notice dated December 2, 1994, purportedly from the CIS Los Angeles legalization office, reflecting that, on February 29, 1996, she was to report to that office to be interviewed regarding the question of her eligibility for class membership in the CSS or LULAC legalization class-action lawsuits. In response to the notice of intent to deny, the applicant submitted a photocopy of a letter from the CIS Los Angeles legalization office dated July 11, 1996, indicating that her Application for Employment Authorization, Form I-765, has been denied due to lack of evidence of eligibility.

Subsequently, on appeal, the applicant asserted that when she and her husband arrived at the legalization office on February 29, 1996, as requested, they were informed that their interview would have to be rescheduled. According to the applicant, she and her husband have yet to be informed as to the disposition of their class membership applications. However, the applicant's account of what transpired on the occasion of her purported visit to the Los Angeles legalization office on February 29, 1996 cannot be confirmed or denied based on the record of proceedings.

The photocopied interview notice from the Los Angeles legalization office provided by the applicant is the type of document that may be considered as *possible* evidence of having made a written claim for class membership, pursuant to 8 C.F.R. 245a.14(d). However, in this case, the photocopied interview notice does not include a signature of a CIS employee or a CIS Alien Registration Number (A-number) for the applicant. Nor is

there any indication in computer or administrative records that such photocopied notice was ever generated or issued by CIS. Moreover, the applicant's failure to submit an *original* of the purported interview notice from the Los Angeles legalization office further undermines the credibility of her claim to have filed a class membership application at that office. It should also be noted that an A-file was never created for the applicant by CIS until May 20, 2002, when her LIFE application was received.

The photocopied denial of employment authorization letter purportedly from the Los Angeles legalization office carries no indication that it relates to any application for class membership on the part of the applicant. Nor does the letter specify under *which* section of law the applicant was applying for employment authorization. As with the aforementioned photocopied interview notice from the same office, there is no indication in computer or administrative records of CIS ever having sent the applicant such letter. In addition, the letter contains no A-number pertaining to the applicant. Moreover, the applicant fails to explain *why*, if she truly had this communication in his possession the entire time, it had not been submitted along with her LIFE application. Applicants were instructed to furnish qualifying evidence *with* their applications. The applicant's failure to submit this photocopied letter initially, and her failure to explain why she did not, creates suspicion regarding the document's authenticity. Finally, the applicant never even specifies in *which* of the three class-action lawsuits she had filed a claim.

Given these circumstances, it is concluded that the photocopied CIS communications provided by the applicant cannot be deemed authentic submissions. The applicant has, therefore, failed to submit credible documentation establishing 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.