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U.S. Department of Homeland Security
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Washington, DC 20536



U.S. Citizenship
and Immigration
Services

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LA

MAY 06 2004

[Redacted]

FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

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:

[Redacted]

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

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 submits photocopies of previously-submitted documentation in support of his claim to eligibility for permanent resident status under the LIFE Act.

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 his LIFE application, the applicant provided the following:

- a photocopy of a Legalization Questionnaire signed by the applicant on May 8, 1991;
- a photocopy of a Form I-797 Notice of Action from the Vermont Service Center dated October 15, 1991, informing the applicant that a previously scheduled interview to determine eligibility for class membership under CSS/LULAC would be cancelled and rescheduled for another date;
- a photocopy of an appointment notice dated May 11, 1991, reflecting that on January 21, 1992, the applicant would be interviewed at the Houston, Texas legalization office of INS (now Citizenship and Immigration Services, or CIS), regarding the question of his eligibility for class membership in the CSS or LULAC legalization class-action lawsuits; and
- a photocopy of 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 October 30, 1991.

On January 22, 2004, the AAO sent the applicant's attorney a follow-up communication informing him that, in order to expedite the adjudication of his appeal, he was requested to provide *originals* of those photocopied documents he had submitted which were purportedly sent to the applicant by INS. As of this date, however, the AAO has not received a response to its communication.

There is no indication in CIS electronic or administrative records of having generated the notices listed above *or* of having received any application or submission from the applicant until May 31, 2002, when the applicant's LIFE application was received. In addition, an examination of page 1 of the photocopied I-687 application submitted by the applicant discloses the presence of an alleged INS receipt-stamp in which the acquisition date is designated as *November 4, 1990*. However, on page 4 of the photocopied I-687, the date of the applicant's signature is indicated as *October 30, 1991*. That the applicant would have signed this document more than 11 months *after* it had already been received by INS is simply *not* logical or credible. This blatant inconsistency serves to raise serious questions as to the authenticity of the remainder of the applicant's supporting documentation.

The applicant has failed to submit documentation which credibly establishes that he filed a timely written claim for class membership in one of the aforementioned legalization class-action lawsuits. Accordingly, he 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.