



U.S. Citizenship  
and Immigration  
Services



LA

FILE:



Office: NATIONAL BENEFITS CENTER

Date:

IN RE:

Applicant:



MAY 19 2004

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:



Administrative Appeals Office  
National Benefits Center  
Washington, DC 20529

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

**PUBLIC COPY**

**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 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 of the initial decision, counsel for the applicant submits a separate statement, in which he asserted that, during the May 1987 to May 1988 application period for legalization, the applicant had attempted to submit an application for temporary resident status under Section 245A, but was discouraged from doing so. Counsel further asserted that in 1990, the applicant attempted to file an application for class membership at the New York office of the Immigration and Naturalization Service or INS (now, Citizenship and Immigration Services or CIS). According to counsel, the applicant was purportedly informed on that occasion that an interview appointment in connection with this transaction would be scheduled for her. However, the applicant was never summoned thereafter to appear for any such appointment. In addition, counsel stated that the applicant had presented all of her documentation to a Service officer and that this documentation was lost and is no longer available to the applicant or in her possession.

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.

Along with her LIFE application, the applicant provided a photocopy of an unfiled Form I-687, Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act. The Form I-687 submitted by counsel is completed in ink. As such, this application constitutes an original document, rather than a photocopy of what the applicant is claiming she had submitted in the past. It is noted that counsel accompanied this photocopied application with a brief statement indicating that this, along with other documents he has provided, constitute "exact photocopies of unaltered original documents." However, even if we take counsel's accompanying statement into account, a reconstructed document of this nature, which has been created and submitted after the fact, does *not* constitute original evidence of an applicant having applied for legalization. Moreover, the document is neither dated nor signed by the applicant. Furthermore, an examination of CIS electronic and administrative records fails to disclose any evidence of this applicant having previously filed, or of this agency having received, such a document from this applicant. Moreover, no CIS file was ever created in the name of the applicant until she filed this LIFE application on June 4, 2002.

In successive statements provided in response to the initial notice of intent to deny and, subsequently, on appeal from the center director's initial decision, counsel asserted that during the May 1987 to May 1988 application period for legalization, the applicant had attempted to submit an application for temporary resident status under Section 245A, but was discouraged from doing so. Counsel further asserted that on some unspecified occasion during the year 1990, the applicant attempted to file an application for class membership under CSS at the New York office of the Immigration and Naturalization Service or INS (now, Citizenship and Immigration Services or CIS). According to counsel, the applicant was purportedly informed on that occasion that an interview appointment would be scheduled for her, but was never summoned thereafter to appear for any such appointment. In addition, counsel stated that the applicant had presented all of her documentation to a Service officer and that this documentation was lost and is no longer available to the applicant or in her possession.

However, counsel has submitted no additional, independent, corroborative evidence to support his assertions that the applicant had been "front-desked" during the 1987-1988 legalization filing period or that she made any subsequent unsuccessful attempt to file a timely written claim for class membership in CSS or any other legalization class-action lawsuit. Nor is there any indication in CIS records of the applicant having applied for class membership.

Given her failure to provide documentation establishing her having filed a timely written claim for class membership, 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.