



U.S. Citizenship
and Immigration
Services



LA

FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant: [Redacted]

MAY 30 2011

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

Identifying users deleted to prevent clearly unwarranted invasion of personal privacy

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. It was reopened and denied again by the Director, National Benefits Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

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 to the first decision, the applicant claims to have applied for class membership at the Los Angeles office of the Immigration and Naturalization Service (INS), now Citizenship and Immigration Services, or CIS.

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), 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 included a Form I-687, Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act, dated February 27, 1995. She also provided an undated Form for Determination of Class Membership in CSS vs. Meese, and a photocopy of a Form G-56 call-in notice dated March 1, 1995, advising her to report for a CSS or LULAC interview on June 13, 1996.

These documents could be considered to be evidence that an alien applied for class membership, pursuant to 8 C.F.R. § 245a.14. However, the Form I-687 was signed and dated in ink, and the determination form also bears a "live" signature in ink. Thus, these are original documents, rather than photocopies of what the applicant is claiming she had submitted in the past. If the applicant had actually submitted these documents prior to October 1, 2000, they would be in the possession of CIS, and the applicant would only have photocopies to furnish now in this LIFE proceeding. An examination of CIS records fails to disclose any evidence of this applicant having previously filed such forms. In fact, no CIS file was ever created in the name of the applicant until she filed this LIFE application on September 26, 2001.

Upon receiving a notice of intent to deny, the applicant responded by stating that she was interviewed at the Los Angeles office regarding her claim for class membership. She did not provide any additional evidence, and her application was then denied.

On appeal the applicant provided a photocopied Form I-687 dated September 22, 1990. This Form I-687 contains different information than that provided on the Form I-687 dated February 27, 1995 concerning her departures to Mexico. She also submitted a photocopy of Form I-72 purportedly issued to her by INS on October 2, 1990, regarding a request for class membership in CSS. This notice shows her current alien registration (file) number, [REDACTED], which appears to have been written over another number. This number, [REDACTED] was not issued to the applicant until she filed the current LIFE application on September 26, 2001. She did not explain why, if she had this evidence the entire time, she did not furnish it with her LIFE application or in response to the notice of intent to deny.

Subsequent to receiving the appeal, the Director, National Benefits Center reopened the matter and issued another letter of intent to deny. He pointed out the A-number issued in 2001 could not have appeared on a document from 1990. The applicant did not respond to this notice, and failed to respond to the subsequent denial.

The applicant has provided some documents that could be considered as evidence of having made a request for class membership. However, she has also submitted contradictory information, and has failed to explain such contradictions. She has also failed to explain why she did not provide all of the qualifying evidence initially, if she truly had it. Finally, she did not respond at all to the director's last two notices.

Under these circumstances, it is concluded that the applicant has not demonstrated that she filed a request for class membership prior to October 1, 2000. Therefore, she 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.