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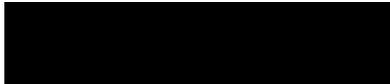


Office: NATIONAL BENEFITS CENTER

Date: **APR 11 2006**

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. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "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, National Benefits Center, and is now before the Administrative Appeals Office 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 additional evidence in support of his appeal.

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. In response to a Notice of Intent to Deny issued on August 18, 2003, the applicant submitted copies of: 1) a Form I-72 purportedly dated July 7, 1993, informing the applicant that he had failed to establish class membership under CSS/LULAC; 2) a notice dated January 13, 1993 purportedly from the Northern Service Center informing the applicant that his application for legalization under the *CSS vs. Meese* was still pending; and 3) a Form I-797, Notice of Action purportedly dated June 25, 1995 informing the applicant of the opportunity to be re-interviewed for class membership under the CSS case.

On appeal, the applicant submits a Legalization Front-Deskling Questionnaire dated September 10, 2004 and a Form for Determination of Class Membership dated May 10, 1991 along with copies of documents previously submitted in response to the Notice of Intent to Deny.

The questionnaire and Form for Determination of Class Membership bear a "live" signature in ink. Thus, these are original documents, rather than photocopies of what the applicant is claiming he had submitted in the past. If the applicant had actually submitted any of these documents prior to October 1, 2000, they would be in the possession of Citizenship and Immigration Service (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 documents.

While the documents submitted in response to the Notice of Intent to Deny could possibly be considered as evidence of having made a written claim for class membership, none of these submissions include a Citizenship and Immigration Services (CIS) Alien Registration Number (A-number, or file number) for the applicant, as required in 8 C.F.R. § 245.14(b). The applicant fails to explain *why*, if he truly had these documents in his possession the entire time, it had not been submitted previously along with his LIFE application. Applicants were instructed to provide qualifying evidence *with* their applications and the applicant did include other documentation in support of his residence with his LIFE application. A review of relevant records reveals no evidence that the applicant had a pre-existing file prior to filing of his LIFE application on June 9, 2003, in spite of the fact that he claims to have been issued Service documents relating to class membership beginning in 1993. These factors raise serious questions regarding the authenticity and credibility of the supporting documentation, as well as the applicant's claim that he filed for class membership. Given these

circumstances, it is concluded that photocopied and original Service documents provided by the applicant in support of his claim to class membership are of questionable probative value.

Given his failure to credibly document that he 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.