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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

MSC 03 171 60936

Office: NATIONAL BENEFITS CENTER

Date: JAN 19 2007

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

Robert P. Wiemann, Chief
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 asserts that he filed a timely written claim for class membership in accordance with the statute. The applicant submits additional documentation in support of the 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 submitted a copy of a Form G-56, General Call-in Letter, dated June 4, 1993 that purportedly notifies him of an appointment on September 8, 1993 to be interviewed for class membership. The letter does not contain an alien registration number assigned by the Immigration and Nationality Service (legacy INS), and service records do not indicate that the form was generated by the legacy INS. The applicant also submitted copies of a Form I-687, Application for Status as a Temporary Resident, which reflects that he signed it on December 30, 1987, and a copy of a form questionnaire for determination of class membership, which indicates that he signed it on May 17, 1993. The applicant also submitted a copy of a Legalization Front-Desk Questionnaire, which indicates that he signed it on March 8, 1999. However, none of these documents reflect that they were ever received by the legacy INS.

The applicant also submitted an undated notarized statement from [REDACTED] in which he stated that, on May 15, 1993, he accompanied the applicant to “the Legalization Office . . . to file his completed Legalization Application . . . with his supporting documents and fees,” but that the application was refused because the applicant had left the United States. This statement is inconsistent with the applicant’s claim on the March 8, 1999 questionnaire, on which he stated that he attempted to file his paperwork in December of 1987. Thus, Mr. Mawla’s statement is not credible if its attempt is to corroborate the applicant’s claim of filing for class membership in either of the qualifying class-action lawsuits.

The “preponderance of the evidence” standard requires that the evidence demonstrate that the applicant’s claim is “probably true,” where the determination of “truth” is made based on the factual circumstances of each individual case. *Matter of E-M-*, 20 I&N Dec. 77, 79-80 (Comm. 1989). In evaluating the evidence, *Matter of E-M-* also stated that “[t]ruth is to be determined not by the quantity of evidence alone but by its quality.” *Id.* Thus, in adjudicating the application pursuant to the preponderance of the evidence standard, the director must examine each piece of evidence for relevance, probative value, and credibility, both

individually and within the context of the totality of the evidence, to determine whether the fact to be proven is probably true.

The single, unverified document that the applicant submitted is insufficient to meet his burden of proof to establish that he filed a timely written claim for class membership. Accordingly, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

The record reflects that the applicant filed another Form I-687 on October 11, 2004 (MSC 05 011 10785), which has not been finally adjudicated and is not an issue in this decision.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.