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

ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



SEP 29 2003

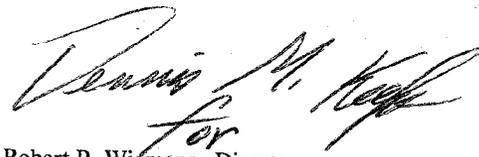
File:  Office: MISSOURI SERVICE CENTER Date:

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).

IN BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS: Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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, 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 had previously applied for legalization during the 1987-1988 filing period. In addition, the applicant states that he had filed a claim for class membership in the *Zambrano v. U.S.* class-action lawsuit. The applicant also states that his children were born in the U.S.

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).

The applicant failed to submit any documentation addressing this requirement at the time the application was filed or in rebuttal to the director's notice of intent to deny. On appeal, the applicant submits a photocopy of an interview notice reflecting that he was to be interviewed at the Bureau office in Los Angeles, California, regarding the question of his eligibility for class membership in the Catholic Social Services (CSS) or the League of United Latin American Citizens (LULAC) legalization class-action lawsuit. Such Bureau document may be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. 245a.14(d). However, the photocopied interview notice does not include the signature of any Bureau officer. Nor does the applicant explain why, if he truly had this notice in his possession the entire time, it had not been submitted along with his LIFE application or at least in rebuttal to the Bureau's Notice of Intent to Deny.

It should also be noted that while the photocopied interview notice was dated September 26, 1990, the applicant's interview date was not scheduled until January 16, 1991, and then re-scheduled for February 20, 1991 - nearly five months after the notice was purportedly issued to the applicant. Finally, an examination of the photocopied notice discloses that the handwriting in several sections of the document does not appear to be the same. These

inconsistencies severely diminish the credibility of the applicant's photocopied interview notice.

In rebuttal to the director's Notice of Intent to Deny, the applicant made reference to having applied for legalization under the "Zambrano (Agriculturer) Program." The fact that the applicant, in rebuttal and on appeal, mentions the Zambrano case, while he submits a supposed notice regarding a CSS or Lulac case, renders his claim more questionable and raises still more questions concerning the authority of the interview notice.

The applicant timely filed an application for temporary resident status as a special agricultural worker under section 210 of the INA on December 13, 1988, and this application was subsequently denied on August 20, 1991. The applicant appealed the denial of his application, and that this appeal was dismissed by the AAO on September 18, 1995. The applicant has provided a copy of the dismissal, which has been entered into the current record. It should be emphasized in this connection that the applicant's SAW claim was found by the bureau to be fraudulent. This fact, along with the aforementioned inconsistencies, further diminishes the applicant's overall credibility in this proceeding.

A further discrepancy concerns the applicant's aforementioned photocopied interview notice regarding his purported application for class membership in CSS/LULAC. The notice was dated September 26, 1991, and his appeal was not dismissed until 1995. The applicant fails to explain why he would have applied for class membership while his SAW application and appeal were still pending.

Finally, in his November 13, 1995 Motion for Reconsideration of the denial of his application for temporary residence as a special agricultural worker, the applicant asserted he had resided continuously in the U.S. "for over twelve years." This would indicate that the applicant has not maintained continuous residence in the U.S. since January 1, 1982; had he resided since that date he would have seemingly indicated "for over 13 years" or "almost 14 years." Pursuant to 8 C.F.R. § 245a.11(b), each applicant is required to demonstrate that he or she entered the United States prior to January 1, 1982, and resided there continuously in an unlawful status since that date through May 4, 1988. Given his apparent inability to meet this requirement, along with his failure to submit credible documentation indicating having filed a timely 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.