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

ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street N.W.
Washington, D.C. 20536



PUBLIC COPY

FILE [Redacted]

Office: National Benefits Center

Date: DEC 05 2003

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: Self-represented

Identifying data deleted to
prevent invasion of personal privacy

INSTRUCTIONS:

Attached is the decision rendered on your appeal. 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, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director 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, the applicant states that she qualifies for LIFE legalization because she filed her legalization questionnaire before February 2, 2001. The applicant provides copies of previously submitted documentation in support of her 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), *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. Those regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

In support of her application, the applicant submitted a Legalization Front-Desk Questionnaire signed and dated January 2001. The applicant also submitted a photocopy of a United States Postal Service (U.S.P.S.) domestic return receipt for certified mail that reflects that the questionnaire was subsequently received by Citizenship and Immigration Services' (CIS) Vermont Service Center on January 29, 2001. Pursuant to the above, an alien would have to demonstrate that he or she had filed a written claim for class membership prior to October 1, 2000.

In response to the notice of intent to deny, the applicant resubmitted the questionnaire, a photocopy of the U.S.P.S. receipt discussed in the preceding paragraph, and a personal statement. In her statement, the applicant claimed that she was eligible because she submitted the questionnaire before February 2, 2001 per instructions. The instructions were written before the passage of the LIFE Act. The basic statutory requirement of filing for class membership by October 1, 2000 must still be met in all cases,

regardless of the previously-authorized administrative deadline established for filing questionnaires.

The applicant also provided photocopies of a Form for Determination of Class Membership in *CSS v. Reno* and a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA). These documents, as well as the above mentioned questionnaire, are listed in 8 C.F.R. § 245a.14 as examples of documents which may be furnished in an effort to establish that an alien had previously applied for class membership. Although both the Form I-687 and the determination form are dated June 15, 1999, there is nothing to indicate that either document was ever filed or was ever received by CIS. *If she truly had these copies in her possession since June 15, 1999, she would have furnished them with the questionnaire which was submitted on January 29, 2001.* Moreover, the applicant does not explain why, if these documents were truly in her possession the entire time, she did not submit them with her subsequent LIFE application, as applicants were advised to provide evidence with their applications.

Furthermore, the very questionable documents are the same documents provided by numerous other applicants who deliberately did not disclose their actual addresses on their LIFE applications but rather showed the same P.O. Box in Houston. These aliens all claim to be not represented, and yet all file the same lengthy statements in rebuttal and/or on appeal. All of these factors raise grave questions about the authenticity of the documents submitted on appeal. It is concluded that such photocopies, furnished at a very late stage of these proceedings and unaccompanied by any reasonable explanation, do not establish that there were original documents which were actually submitted to CIS in 1999.

On appeal, the applicant states that she qualifies for LIFE legalization because she filed her legalization questionnaire before February 2, 2001. However, as noted above, the previously-authorized administrative deadline of February 2, 2001 for the filing of questionnaires was superseded with the passage of the LIFE Act and the imposition of the statutory deadline of October 1, 2000 for the filing of a written claim for class membership.

Given her failure to document that she 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.