

~~XXXXXXXXXX~~ L2

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**

[REDACTED]

DEC 10 2003

FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER

Date:

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).

IN BEHALF OF APPLICANT: Self-represented

APPEALS DIVISION  
U.S. DEPARTMENT OF HOMELAND SECURITY  
CITIZENSHIP AND IMMIGRATION SERVICES  
425 I STREET, N.W.  
WASHINGTON, D.C. 20536

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*  
for

Robert P. Wiemann, Director  
Administrative Appeals Office



**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was initially denied by the Director, Missouri Service Center. The matter was subsequently reopened and denied again by the Director, National Benefits Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

In both decisions, the directors 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 from the initial denial, the applicant states that he qualifies for LIFE legalization because he filed his legalization questionnaire before February 2, 2001. The record shows that the applicant was afforded the opportunity to submit evidence to supplement his appeal just prior to, and again after the application had been denied for the second time. Any material subsequently submitted by the applicant has been incorporated into 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.

In support of his application, the applicant submitted a photocopy of a Legalization Front-Desk Questionnaire signed and dated October 16, 2000. The applicant also submitted a photocopy of a United States Postal Service certified mail receipt that reflects that he did not mail the questionnaire until October 19, 2000. 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.

On rebuttal to the notice of intent to deny, the applicant resubmitted a copy of the questionnaire and furnished a copy of a blank questionnaire, instructions for filing the questionnaire, a photocopy of a certified mail receipt dated December 4, 2000, and

a personal statement. In his statement the applicant claimed that he was eligible because he submitted the questionnaire before February 2, 2001 per instructions. However, 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.

On appeal, the applicant submitted another statement in which he claimed he met the February 2, 2001 deadline. 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. Although both documents are dated February 24, 1999, CIS has no records of having received such documents. *If he truly had these copies in his possession since 1994, he would have furnished them with the questionnaire which was submitted on October 23, 2000 and again on June 18, 2001.* Moreover, the applicant does not explain why, if these documents were truly in his possession the entire time, he did not submit them with his subsequent LIFE application, or in rebuttal to the notice of intent to deny, as applicants were advised to provide evidence with their applications. These factors raise grave questions about the authenticity of the photocopies 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.

In response to the second notice of intent to deny, the applicant submitted a statement in which he refers to an attached copy of examples of documents which could be submitted that was provided with the original intent to deny. Included on that list is "a completed Affidavit of Circumstances (Questionnaire)." However, as discussed previously, the questionnaire provided by the applicant was received on October 23, 2000, which is after the October 1, 2000 deadline for filing a claim of class membership. The applicant also raised the argument again that the deadline for filing the questionnaire was February 2, 2001. However, as also stated previously, these instructions were written before the passage of the LIFE Act and the basic statutory requirement of filing for class membership by October 1, 2000 must still be met.

Given his failure to 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.