

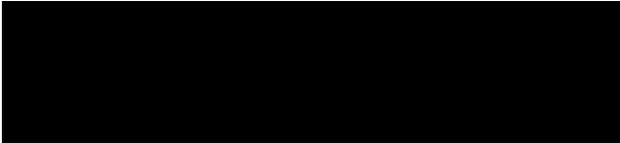
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U.S. Department of Homeland Security
Citizenship and Immigration Services

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



FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date: DEC 19 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

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.

A handwritten signature in cursive script, appearing to read "Robert P. Wiemann", with the word "for" written below it.

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. It was reopened and denied again by the Director, National Benefits Center. The matter 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 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 of the initial decision, the applicant asserted that she was eligible for permanent resident status under the LIFE Act as one who had filed a timely application for class membership in the LULAC lawsuit prior to October 1, 2000.

The applicant did not respond to the subsequent decision.

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 or in rebuttal to the initial notice of intent to deny. The applicant does provide documentation relating to the prior adjudication of a separate application she had submitted for temporary resident status under section 245A of the Immigration and Nationality Act (INA). A review of the record shows that the applicant timely filed her application for temporary resident status under section 245A of the INA, and this application was subsequently denied. In any case, section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of a timely filed and previously denied application for temporary resident status under section 245A of the INA. In addition, as her temporary residence (legalization) application was timely filed, she would have had no need for her to later request class membership as an alien who had been prevented from applying for legalization.

On appeal of the initial decision, the applicant submitted a photocopy of her original Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and

Nationality Act. In addition, the applicant submitted the following: a photocopy of a Legalization Front-Desking Questionnaire, which was completed and signed by the applicant on November 10, 1999; and a photocopied Affidavit for Determination of Class Membership in LULAC, which was also purportedly signed by the applicant on November 10, 1999.

The photocopied questionnaire and affidavit provided by the applicant could be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. 245a.14(d). However, in this case, neither of these documents includes a Citizenship and Immigration Services (CIS) Alien Registration Number (A-number) for the applicant. In addition, neither submission carries a CIS receipt stamp; nor (as noted in the director's subsequent decision) is there any record of CIS having generated or received such notices. It should also be noted that these documents consist entirely of photocopies.

Furthermore, the applicant fails to account for why, if she truly had the questionnaire and affidavit in her possession the entire time, she did not submit them with her LIFE application, as applicants were instructed to provide qualifying evidence with their applications. In this case, the applicant had a *prior* CIS file in connection with her previous legalization application under 245A. Yet, neither of these photocopied documents -- both purportedly signed by the applicant on November 10, 1999 -- had been included in her prior file [the applicant's LIFE application was not received by CIS until February 19, 2002]. The applicant's failure to account for this discrepancy raises significant questions regarding the credibility and authenticity of these documents. It is concluded that these photocopies do not represent authentic documents which were actually submitted to CIS.

Given the applicant's 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.