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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: 

Office: NATIONAL BENEFITS CENTER

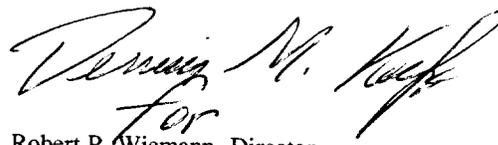
Date: **DEC 29 2003**

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).

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.



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, National Benefits Center. It 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 states that he qualifies for LIFE legalization because he filed his legalization questionnaire before February 2, 2001.

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 Legalization Front-Desking Questionnaire bearing the date January 11, 2000, but stamped as received by Citizenship and Immigration Services (CIS) Vermont Service Center on October 10, 2000. Pursuant to the above regulation, an alien would have to demonstrate that he or she had filed a written claim for class membership prior to October 1, 2000.

In rebuttal to the notice of intent to deny, the applicant submitted, in addition to copies of some documentation already in the record, a statement asserting that he qualified as having filed for class membership under section 1104 of the LIFE Act because he submitted the questionnaire before February 2, 2001, per instructions. However, the instructions for filing questionnaires 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 once again submitted photocopies of documents already in the record,

which were themselves photocopies. The documents included a Form I-687 Application for Status as a Temporary Resident, a Form for Determination of Class Membership in *CSS v. Reno*, and the Legalization Front-Desking Questionnaire previously discussed. The three documents 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 the Form I-687 and the class membership determination form are both dated August 28, 1996, the applicant has not demonstrated that he ever filed those documents with CIS and CIS has no record of ever receiving the documents. *If the applicant truly had these copies in his possession since 1996, he would presumably have furnished them to CIS along with the questionnaire that CIS received on October 10, 2000.*

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 do not establish that there were original documents which were actually submitted to CIS in 1996.

The applicant asserts that the questionnaire he submitted to the Vermont Service Center on October 10, 2000, is sufficient proof that he filed for class membership because it is listed on the form entitled "Examples of a Written Documentation for Claim for Class Membership." What the form neglected to mention, however, is that the statutory deadline for filing class membership claims was October 1, 2000. The applicant's Legalization Front-Desking Questionnaire did not meet that filing deadline.

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.