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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: **NOV 05 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).

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, National Benefits 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 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), *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 his application, the applicant submitted a Legalization Front-Desk Questionnaire signed and dated on November 20, 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. The applicant also submitted an undated handwritten photocopy of a Form I-687 Application for Status as a Temporary Resident. There is nothing in the record to indicate if and/or when this document was filed with Citizenship and Immigration Services (CIS). A Form I-687 may be an acceptable form of indicating a claim for class membership. However, if this document was submitted with the legalization questionnaire, it was also submitted after the October 1, 2001 deadline.

On rebuttal to the notice of intent to deny, the applicant resubmitted the questionnaire, instructions for filing the questionnaire, a photocopy of a certified mail receipt dated November 30, 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. 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 submitted photocopies of a Form for Determination of Class Membership in *CSS v. Reno* and a second Form I-687 Application for Status as a Temporary Resident. Although both documents are dated November 14, 1995, there is nothing to indicate that either document was ever filed or was ever received by CIS. In addition, the applicant does not explain why he (supposedly) completed and submitted two Form I-687s. *If he truly had these copies in his possession since 1995, he would have furnished them with the questionnaire which was submitted on November 20, 2000.* 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, 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 1995.

On appeal, the applicant submitted another statement in which he claimed he met the February 2, 2001 deadline. The applicant also resubmitted photocopies of the Form for Determination of Class Membership in *CSS v. Reno* and the Form I-687. As discussed above in light of all factors, these copies are not acceptable proof.

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.