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

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



NOV 21 2003

FILE:

Office: NATIONAL BENEFITS CENTER

Date:

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 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.

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 cover letter, seven affidavits from acquaintances regarding her attempts to file for legalization, a copy of a certified mail receipt and a copy of a Legalization Front-Desking Questionnaire signed and dated June 6, 2000. Citizenship and Immigration Services (CIS) records, as well as the mail receipt, indicate that the documentation, including the questionnaire, was received by CIS's 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 rebuttal to the notice of intent to deny, the applicant submitted a blank questionnaire, and resubmitted the documentation provided in support of her application. The applicant also submitted a statement in which she admitted that the questionnaire was filed on January 29, 2001. The applicant claimed that she was eligible because she submitted the questionnaire before February 2, 2001 per instructions. 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 she claimed she met the February 2, 2001 deadline. The applicant also stated that she was unaware that she had to have submitted a Form I-687, Application for Status as a Temporary Resident, and provided a photocopy of a Form I-687. The applicant also submitted a photocopy of a Form for Determination of Class Membership in *CSS v. Reno*. 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 March 10, 1994, 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 1994, she would have furnished them with the questionnaire which was submitted on January 20, 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, or in rebuttal to the notice of intent to deny, as applicants were advised to provide evidence *with* their applications.

Furthermore, the alleged documents are dated March 10, 1994, the same date as 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. 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 1994.

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.