

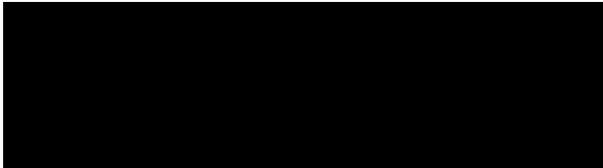
**PUBLIC COPY**

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

**L2**

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invasion of personal privacy**

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



**NOV 22 2003**

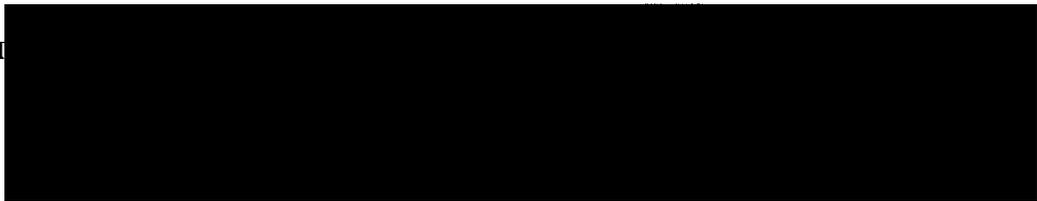
FILE 

Office: NATIONAL BENEFITS CENTER

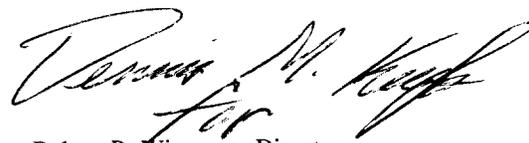
Date:

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).

ON BEHALF OF APPLICANT 

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 mater 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, Missouri Service Center, 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 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 from the initial decision, the applicant stated that she qualifies for LIFE legalization because she filed her legalization questionnaire before February 2, 2001.

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.

An examination of the applicant's file indicates that a Legalization Front-Desking Questionnaire was submitted prior to the LIFE application Form I-485 and was received by Citizenship and Immigration Services' (CIS) Vermont Service Center on January 30, 2001. The questionnaire was signed and dated December 8, 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.

In 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 January 26, 2001, and a personal statement. In her statement the applicant claimed that she was eligible because she submitted the questionnaire before February 2, 2001 per instructions. It should be emphasized, however, that 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 of the initial decision, the applicant submitted another statement in which she claimed she met the February 2, 2001 deadline. The applicant also provided photocopies of a Form for Determination of Class Membership in *CSS v. Reno* as well as a Form I-687 Application for Status as a Temporary Resident. Both documents are dated November 30, 2000 -- *subsequent* to the October 1, 2000 statutory deadline for filing for class membership. Moreover, CIS has no records of ever having received such documents. *If the applicant truly had these copies in her possession since November 30, 2000, she would have furnished them with the questionnaire which was submitted on January 20, 2001.*

Nor does the applicant attempt to explain *why*, if these documents were truly in her possession the entire time, she did not at least provide them with her 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 2000.

Given her failure to establish 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.