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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



File:

Office: National Benefits Center

Date:

**OCT 09 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 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 initially denied by the Director, Missouri Service Center. The matter was subsequently reopened and denied again by the Director, National Benefits Center, and 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 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 from the initial denial, the applicant states that he qualifies for LIFE legalization because he filed his legalization questionnaire before February 2, 2001. The record shows that the applicant was afforded the opportunity to submit evidence to supplement his appeal just prior to, and again after the application had been denied for the second time. However, as of the date of this decision the applicant has failed to submit any additional material to supplement his appeal. Therefore, the record shall be considered complete.

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 December 8, 2000. The applicant also submitted a photocopy of a United States Postal Service (U.S.P.S.) domestic return receipt for certified mail that reflects that the questionnaire was subsequently received by Citizenship and Immigration Services' (CIS) 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.

On rebuttal to the notice of intent to deny, the applicant resubmitted the questionnaire, a photocopy of the U.S.P.S. receipt

discussed in the preceding paragraph, 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.

On appeal, the applicant submitted another statement in which he claimed he met the February 2, 2001 deadline. The applicant also provided photocopies of a Form for Determination of Class Membership in *CSS v. Reno* and a Form I-687 Application for Status as a Temporary Resident. Although both documents are dated December 10, 1993, there is nothing to indicate that either document was ever filed with or received by CIS. *If he truly had these copies in his possession since 1993, he would have furnished them with the questionnaire which was submitted on January 29, 2001.* 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, or in rebuttal to the notice of intent to deny, as applicants were advised to provide evidence with their applications. These factors raise grave questions about the authenticity of the documents submitted on appeal.

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.