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Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
CIS, AAO 20 MASS, 3/F
425 L STREET, N.W.
Washington, D.C. 20536



OCT 10 2002

File: [REDACTED] Office: MISSOURI SERVICE CENTER Date:

IN RE: Applicant: [REDACTED]

Application: Application for Status as 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
for
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 and is now before the Administration Appeals Office (AAO) 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 asserts that his appeal should be granted. The applicant also submits additional documentation.

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).

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 provided a photocopy of a completed Legalization Front-Desking Questionnaire dated December 11, 2000 and 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 submitted a statement and part of the instructions for filing the questionnaire, a blank copy of the questionnaire, and a copy of a cover letter and the questionnaire which had previously been provided with his application. In his statement, the applicant declared that he filed the questionnaire on January 29, 2001. The applicant stated that according to the questionnaire's instructions, the deadline for filing the document was on or before February 2, 2001, not October 1, 2000. According to the applicant, this means he qualifies for LIFE benefits. However, these 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 once again restates his assertion that the questionnaire was an accepted document for demonstrating that he had made a claim for class membership. He again argues that the deadline for submitting the questionnaire was February 2, 2001. The applicant also provides photocopies of a Form I-687, Application for Status as a Temporary Resident, and a "Form for Determination of Class membership in CSS V. Reno." Although both documents are dated January 14, 1994, there is nothing to indicate that either document was ever filed or was ever received by CIS. *If he truly had these copies in his possession since 1994, he 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 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.