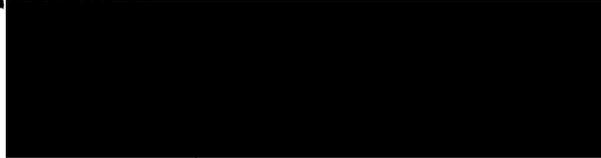


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U.S. Department of Homeland Security
Citizenship and Immigration Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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 29 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).

PUBLIC COPY

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, Missouri Service 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 submits a separate statement, in which he asserts that, having duly filed a legalization questionnaire prior to the deadline of February 2, 2001, he is eligible for class membership in the *C.S.S. v. Meese* class-action lawsuit.

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.

Along with his LIFE application, the applicant submitted a photocopy of a Legalization Front-Desking Questionnaire signed by the applicant on December 11, 2000, along with a photocopy of an incomplete, handwritten Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA). As noted in the director's decision, the completion date of the questionnaire [December 11, 2000] is subsequent to the October 1, 2000 deadline for applying for class membership in one of the requisite legalization class-action lawsuits. As such, the document fails to demonstrate the applicant filed a claim for class membership in a timely fashion.

In rebuttal to the notice of intent to deny, the applicant submitted the following: a photocopy of a typewritten, completed Form I-687 application, which was allegedly signed by the applicant on May 7, 1997; and a photocopied Form for Determination of Class Membership in *CSS v. Reno*, which was also, supposedly, signed by

the applicant on May 7, 1997. The applicant's failure to explain why he would have submitted *two, separate* Form I-687 applications significantly diminishes the credibility of both documents. Given this unresolved credibility issue, it cannot be concluded with any degree of certainty that the applicant's subsequently-submitted I-687 application was in fact completed in May 1997.

As regards the photocopy of a completed Form for Determination of Class Membership in *CSS v. Reno* and the subsequently-submitted application Form I-687, both were allegedly signed by the applicant on May 7, 1997. The applicant, however, fails to explain *why*, if he truly had these favorably-dated documents in his possession the entire time, this evidence had not been submitted initially along with his LIFE application. It is noted that applicants are directed to furnish qualifying evidence *with* their applications. The applicant's failure to submit these documents initially, coupled with his failure to explain why he did not, creates further suspicion regarding the authenticity of the evidence presented.

A review of the record also discloses that a *prior* CIS file had been compiled for the applicant on or about September 4, 1990, on the occasion of his having been apprehended by Border Patrol agents for possession of fraudulent documentation and for illegally entering the U.S. without inspection. If the applicant's Form I-687 and his Form for Determination of Class Membership in *CSS v. Reno* were indeed created in May 1997, both documents should have been included in the applicant's *prior* CIS file. The fact that neither was included raises additional questions as to their actual date of origin and further diminishes their overall credibility. It is concluded that the 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 1997.

Finally, in his statement on appeal, the applicant cites a set of instructions indicating February 2, 2001 as the deadline for the filing of a legalization questionnaire. Those instructions were written *prior* to the passage of the LIFE Act. The regulations at 8 C.F.R. § 245a.10(b) specify that 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 one of the applicable legalization class-action lawsuits. As previously noted, the applicant's front-desking questionnaire was not received by the service center until *December 11, 2000*. No submissions by the applicant in connection with a claim for class membership were received by CIS *prior* to this date. As such, the applicant has submitted no evidence to establish having filed a written claim for class membership before October 1, 2000.



Given the applicant's failure to submit credible documentation indicating his having filed a timely written claim for class membership, he 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.