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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:

SEP 25 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

PUBLIC COPY

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 asserts that, in May 1993, he went to his local Citizenship and Immigration Services (CIS) office to apply for an unspecified program but was informed by an unidentified officer that the program in question did not exist. The applicant further asserts that, despite being discouraged by the officer from applying for this program, he nevertheless subsequently submitted his application and supporting documentation to CIS by mail. According to the applicant, he never received a response or acknowledgement regarding this submission from CIS and is no longer in possession of the 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). 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.

The applicant failed to submit any documentation addressing this requirement when the application was filed or on rebuttal to the Notice of Intent to Deny. On appeal, the applicant submits a photocopied legalization questionnaire along with a photocopied legalization front-desking questionnaire as evidence of having completed a written claim for class membership. However, an examination of both questionnaires indicates they were signed and completed by the applicant on January 15, 2001. As previously noted, an applicant for permanent resident status under the LIFE Act must establish that he or she filed a written claim for class membership *before October 1, 2000*. As such, neither questionnaire was submitted in a *timely* manner.

Moreover, the applicant fails to explain why, if he truly had these questionnaires in his possession the entire time, they had not been submitted along with his LIFE application or at least in rebuttal to the director's Notice of Intent to Deny. It is noted that applicants are directed to furnish qualifying evidence with their applications. The applicant's failure to submit the documents initially and later, on rebuttal, and his failure to explain why he did not, creates suspicion regarding the authenticity of the documents.

On one of the questionnaires, the applicant referred to an application that he had mailed to CIS. There are no records within CIS of such application, however, and the applicant has not provided proof of having mailed an application.

Given the applicant's failure to submit 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.