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FILE:



Office: NATIONAL BENEFITS CENTER

Date: **APR 15 2004**

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:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter 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, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

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, the applicant asserts that she had previously filed an application for temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act (INA) as well as a claim for class membership in the *Reno v. CSS* class-action lawsuit. The applicant further asserts that the director's denial of her application resulted from an erroneous interpretation of the pertinent regulations.

The applicant appears to be represented; however, the record contains no Service Form G-28, Notice of Entry of Appearance as Attorney or Representative, as required by 8 C.F.R. § 292.4(a). Although all representations will be considered, the notice of decision will be furnished only to the applicant.

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.

Along with her LIFE application, the applicant provided an original of a Legalization Questionnaire signed by her on February 1, 2001. However, as the questionnaire was not signed until after the October 1, 2000 deadline for filing written claims for class membership, it does not constitute a timely submission.

Subsequently, in response to the notice of intent to deny, the applicant submitted a photocopied Form I-687 Application for Status as a Temporary Resident under Section 245A of the INA. However, as the I-687 application was not signed by the applicant until November 11, 2002 -- *subsequent* to her having filed her LIFE application -- the application does not constitute timely evidence of having filed a written claim in one of the aforementioned class-action legalization lawsuits prior to the October 1, 2000 deadline.

The applicant, in response to the notice of intent to deny, also submitted a personal statement indicating that the aforementioned Legalization Questionnaire and I-687 application were both reconstituted submissions of previously-submitted claims. However, the applicant fails to specify exactly *when* she had previously submitted her I-687 application. A reconstituted or reconstructed I-687 created after the fact does not constitute original evidence of an applicant having applied for class membership. Moreover, the applicant's failure to submit this application initially along with her LIFE application and her failure to explain why she did not create suspicion regarding the authenticity of the applicant's documentation.

The applicant also asserted in her personal statement that, although her Legalization Questionnaire is dated February 1, 2001, she had previously filed a claim for class membership in *CSS v. Reno* on August 12, 1987 [the applicant indicated on her questionnaire that she had been "front-desked" by an officer of INS (Immigration and Naturalization Service, now Citizenship and Immigration Services or CIS) on that date]. However, the date of this purported encounter -- August 12, 1987 -- would have been only a few months after the inception of the May 5, 1987 to May 4, 1988 application period for temporary resident status (legalization) under the Immigration Reform and Control Act (IRCA). At this time, class membership applications were not as yet being accepted. This, in turn, serves to create considerable skepticism regarding the authenticity and credibility of the applicant's documentation. Nor is there any evidence in CIS administrative or electronic records that these documents were ever actually filed by the applicant or that they were ever received by CIS.

The applicant, on appeal, asserts that she had previously filed an application for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA) as well as a claim for class membership in the *Reno v. CSS* class-action lawsuit. However, an examination of the record of proceedings as well as CIS electronic and administrative records fails to disclose the applicant ever having filed a SAW application *or* a timely claim for class membership in *Reno v. CSS* or any other class-action lawsuit. Nor does the applicant attempt to provide an explanation or evidentiary support for her assertion, on appeal, that the director's denial of her application resulted from an erroneous interpretation of the pertinent regulations.

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.