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U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



U.S. Citizenship
and Immigration
Services

[REDACTED]

FILE:

[REDACTED]

Office: NATIONAL BENEFITS CENTER

Date:

APR 23 2004

IN RE: Applicant:

[REDACTED]

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:

[REDACTED]

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

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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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, counsel for the applicant submits a separate statement, in which he asserts that the applicant had previously attempted to file a claim for class membership in the CSS legalization class-action lawsuit, but was informed that she was ineligible.

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.

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 her LIFE application, the applicant submitted the following:

- a photocopy of an undated Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, signed by the applicant;
- a photocopied Legalization Questionnaire, purportedly signed by the applicant on December 8, 1998;
- a photocopy of a Form I-797 Notice of Action from INS (now Citizenship and Immigration Services, or CIS) dated February 14, 2002, which notified the applicant that her Legalization Questionnaire had not been submitted in a timely fashion and could, therefore, not be accepted; and
- a photocopy of a Status Inquiry/CSS Questionnaire, purportedly sent by the applicant to the Office of Field Operations of INS (now, Citizenship and Immigration Services or CIS), in which the applicant requests a response from INS to her questionnaire.

The aforementioned photocopied documents could possibly be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. § 245a.14(d). While the Legalization Questionnaire was purportedly signed by the applicant on December 8, 1998, it carries a date-stamp indicating that it was not received by the Vermont Service Center until January 23, 2002. As the questionnaire was received *subsequent* to the October 1, 2000 deadline for filing a written claim for class membership, it *cannot* be deemed a timely submission. In addition, neither the photocopied I-687 application nor the applicant's Status Inquiry include a date. Nor is there any indication in CIS administrative or electronic records that the

photocopied I-687 application and the applicant's Status Inquiry were actually submitted by the applicant or that they were ever received by this agency. Given these circumstances, it is concluded that this photocopied material provided by the applicant cannot be considered to be authentic copies of documents which were actually submitted to INS prior to October 1, 2000.

The applicant has, therefore, failed to submit documentation which credibly establishes her having filed a timely written claim for class membership in one of the aforementioned legalization class-action lawsuits. Accordingly, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.