

L2



U.S. Citizenship
and Immigration
Services



FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant: [Redacted]

PETITION: 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. All documents have been returned to the office that originally decided your case. 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

PER COPY

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits 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 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 states that she qualifies for LIFE legalization because she filed her legalization questionnaire before February 2, 2001.

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.

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 her application, the applicant submitted a photocopy of a Legalization Front-Desking Questionnaire dated *November 16, 2000*. Pursuant to the above regulation, an alien would have to demonstrate that he or she had filed a written claim for class membership *prior to October 1, 2000* in order to qualify for late legalization under the LIFE Act. The applicant also submitted a photocopy of a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was originally completed in ink. The photocopied I-687 is neither signed nor dated.

On appeal, the applicant asserts that she filed a Legalization Questionnaire with the Vermont Service Center (VSC) prior to the February 2, 2001 deadline. This, she indicates, constitutes a written claim to class membership in one of the LIFE Legalization lawsuits and therefore entitles her to apply for benefits under section 1104 of the LIFE Act.

The questionnaire and deadline referred to are related to a separate program designed to identify applicants who attempted to apply for legalization during the period of May 5, 1987 to May 4, 1988, but whose applications were rejected or "front-desked." Under this program, the questionnaire was reviewed by the VSC to determine whether the front-desking claim was valid. If it was found to be valid, the applicant was

instructed to file a Form I-687, application for temporary residence, with the Texas Service Center. The application was then adjudicated as though filed during the initial filing period.

Submitting a questionnaire to the VSC under this program is not the equivalent of filing a written claim to class membership under one of the LIFE Act related lawsuits, nor does it alter the requirement that the written claim must have been filed prior to October 1, 2000 as stated in 8 C.F.R. § 245a.10.

The applicant, in rebuttal to the notice of intent to deny, submitted a photocopy of a Form for Determination of Class Membership in *CSS v. Reno*, which is dated October 4, 1996. The applicant also submitted an additional form I-687. Unlike the previously-submitted I-687, this subsequently-submitted application is typewritten and is also signed and dated October 4, 1996 -- the same date as the determination form. These documents are listed in 8 C.F.R. § 245a.14 as examples of documents which may be furnished in an effort to establish that an alien had previously applied for class membership. However, while both the subsequently-submitted Form I-687 and the determination form are dated October 4, 1996, there is no indication in CIS administrative or electronic records to indicate that either document was ever filed by the applicant or was ever received by CIS. If the applicant truly had the determination form in her possession since 1996, it would seem logical she would have furnished it with the questionnaire and with the initially-submitted Form I-687.

Moreover, the applicant does not explain why she has submitted two separate I-687 applications -- one an undated, unsigned version completed in ink, and the other a reconstituted, typewritten variant which is both signed and dated. A reconstructed I-687 created after the fact does not constitute original evidence of an applicant having previously applied for class membership. The applicant's failure to have submitted the determination form at the time she submitted her LIFE application, her inability to explain why she did not, and her subsequent submission of an alternate version of her original I-687 application, serve to create suspicion regarding the authenticity of the applicant's documentation and claim.

Furthermore, the very questionable documents are the same documents provided by numerous other applicants who deliberately did not disclose their actual addresses on their LIFE applications but rather showed the same P.O. Box in Houston. These aliens all claim to be not represented, and yet all file the same lengthy statements in rebuttal and on appeal. All of these factors raise grave questions about the authenticity of the documents submitted in rebuttal to the notice of intent to deny. It is concluded that such 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 1996.

Given her failure to credibly document 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.