

PUBLIC COPY



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy



42

FEB 06 2004

FILE:

Office: NATIONAL BENEFITS CENTER

Date:

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 has submitted sufficient evidence of eligibility for permanent resident status under the LIFE Act, and that Citizenship and Immigration Services (CIS) bears the burden of proving otherwise. However, according to 8 C.F.R. 245a.12(e), it is the applicant who bears the burden of proof of establishing eligibility for adjustment to permanent resident status under the LIFE Act.

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 provided the following:

- a photocopy of a handwritten Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA), purportedly signed by the applicant on April 28, 1988;
- a photocopy of a handwritten Legalization Front-Desking Questionnaire allegedly signed by the applicant on November 21, 2000; and
- a handwritten, completed Form for Determination of Class Membership in *CSS v. Meese*, supposedly signed by the applicant on September 20, 1989.

The photocopied Legalization Front-Desking Questionnaire, signed by the applicant on November 21, 2000, does not meet the basic statutory requirement that evidence of class membership must have been filed by *October 1, 2000*. The I-687 and determination form submitted by the applicant *may* be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. § 245a.14(d). However, neither of these submissions include a CIS Alien Registration Number or A-number for the applicant. Nor is there any record or indication on these documents of their ever having been received by CIS. In addition, the documents submitted by the applicant in support of her claim to class membership consist *entirely* of photocopies. Finally, the applicant in this case had no pre-existing file with CIS prior to filing her LIFE application in May 2002. Yet, she now claims to have previously filed numerous forms and questionnaires with CIS dating back to 1988 and 1989. Such factors raise serious questions regarding the authenticity of the applications and supporting documentation. Given these circumstances, it is concluded that the photocopied

documents provided by the applicant in support of her application do not represent authentic documents which were actually submitted to CIS.

The applicant has 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.