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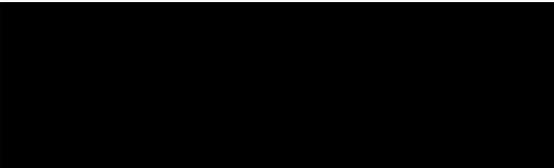
FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER

Date:

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:



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

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, 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 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 submits a separate statement in which she asserts that she qualifies for LIFE legalization because she filed her legalization questionnaire before February 2, 2001.

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 copy of a Legalization Front-Desk Questionnaire dated *November 16, 2000*. The applicant's file does include the *original* of the front-desking questionnaire, which was received by Citizenship and Immigration Services (CIS) Vermont Service Center on *November 24, 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. Along with her application, the applicant also submitted a photocopy of a handwritten Form I-687 Application for Status as a Temporary Resident, which is neither signed nor dated by the applicant.

In response to the notice of intent to deny, the applicant resubmitted photocopies of documentation previously provided in support of her application. Also provided was a photocopied Form for Determination of Class Membership in *CSS v. Reno*, which is signed and dated by the applicant on May 7, 1997. It is noted that the photocopied Form I-687 initially submitted by the applicant in support of her application was a handwritten document which was neither signed nor dated. The Form I-687 provided in response to the notice of intent to deny, however, is a "reconstructed," typewritten document which, like the Form for Determination of Class Membership, is signed and dated May 7, 1997. Such a "reconstructed" document created after the fact does not constitute original evidence of an applicant having applied for class membership. Moreover, an examination of CIS records fails to disclose any evidence of this applicant having previously filed such form.

In addition, the applicant, in response to the notice of intent to deny, provided a statement in which she acknowledged that the questionnaire was filed on November 16, 2000, but claimed that she was, nevertheless, eligible for permanent resident status under the LIFE Act because she submitted the questionnaire prior to *February 2, 2001*, pursuant to instructions put forth by CIS.

The applicant's statement was referring to instructions CIS issued *prior* to the passage of the LIFE Act. Those instructions related only to the February 2, 2001 deadline for attempting to obtain class membership in the legalization class-action lawsuits. The aliens that acquired class membership will eventually be notified as to how they may proceed under the litigated settlement. That settlement is entirely outside the scope of this current proceeding under the LIFE Act. Here, *in the current proceeding*, the applicant has not applied for class membership in a lawsuit but rather has applied directly to CIS for permanent residence under the LIFE Act. The basic statutory requirement of having filed for class membership by October 1, 2000 must still be met in all LIFE cases, regardless of the other previously-authorized administrative deadline established for filing questionnaires.

On appeal, the applicant submitted another statement in which she claimed she met the February 2, 2001 deadline. The applicant also submitted photocopies of a Form I-687, Application for Status as a Temporary Resident and a Form for Determination of Class Membership in *CSS v. Reno*. These documents, as well as the above mentioned questionnaire, 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. Although the "reconstructed" Form I-687, submitted in response to the notice of intent to deny, and the determination form are both dated May 7, 1997, there is nothing to indicate that either document was ever previously filed or was ever received by CIS. If she truly had these copies in her possession since 1997, it would seem logical she would have furnished them with the questionnaire, which was submitted on November 24, 2000.

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 [REDACTED]. These aliens all claim to be not represented, and yet all file the same lengthy statements in rebuttal and/or on appeal. All of these factors raise grave questions about the authenticity of the documents submitted on appeal. 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 1997.

Given her failure to 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.