



U.S. Citizenship
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Services

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FILE:

Office: NATIONAL BENEFITS CENTER

JUL 02 2006
Date:

IN RE: Applicant:

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

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 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 personal statement, in which he asserts that the director's decision was in error and that the extensive documentation he has provided should serve to establish his having filed an application for class membership in LULAC.

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.

With his LIFE application, the applicant submitted a photocopied Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA), which was purportedly signed by the applicant on October 5, 1989. While a completed Form I-687 application could be considered as evidence of having applied for class membership, there is no indication in Citizenship and Immigration Services (CIS) administrative or electronic records that this application was ever filed with, or received by, this agency.

In response to the notice of intent to deny, the applicant submitted a photocopied Legalization Questionnaire signed by the applicant on *October 12, 2000*. However, this questionnaire was *not* timely filed as it was signed subsequent to the October 1, 2000 deadline for filing a written claim for class membership. Along with the Legalization Questionnaire, the applicant also submitted a photocopy of a LULAC Class Member Declaration signed on May 29, 1996. However, the applicant fails to explain *why*, if he truly had this document in his possession the entire time, it had not been submitted previously along with his LIFE application. It is noted that applicants are directed to furnish qualifying evidence *with* their applications. The applicant's failure to submit this questionnaire initially and his failure to explain why he did not, creates suspicion regarding the authenticity of the applicant's documentation. The applicant's failure to submit the LULAC Class Member Declaration initially, along with his failure to explain why he did not, creates grave doubts regarding the document's authenticity.

Given the applicant's failure to submit credible documentation establishing his having filed a timely written claim for class membership, he 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.