

PUBLIC COPY

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



**U.S. Citizenship
and Immigration
Services**

LA



FILE:



Office: NATIONAL BENEFITS CENTER

Jul 13 2004
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, National Benefits 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 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 he asserts that the evidence he has submitted is sufficient to establish his having filed a timely claim 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, which was signed by the applicant on January 19, 1990. However, an examination of administrative and electronic data records of Citizenship and Immigration Services or CIS (formerly, the Immigration and Naturalization Service or INS) fails to indicate that the applicant had ever filed, or the agency had ever received, this application.

In response to the notice of intent to deny, the applicant submitted the following:

- A photocopied LULAC Class Member Declaration dated June 20, 1990;
- A photocopy of a Legalization Questionnaire signed by the applicant on July 23, 2000.

Subsequently, on appeal, the applicant submitted a photocopy of an undated notice reflecting that the applicant was to be interviewed at INS's New York Legalization Office on October 12, 1990 regarding the question of his eligibility for class membership in the League of United Latin American Citizens (LULAC) legalization class-action lawsuit.

These photocopied submissions provided 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, in this case, the applicant provides no explanation whatsoever as to *why*, if he truly had these documents in his possession the entire time, he did not submit them along with his LIFE application or, in the case of the photocopied interview notice, in rebuttal to the notice of intent to deny. Applicants were instructed to provide any and all qualifying

evidence with their applications. The applicant's failure to submit these documents initially, or to explain why he did not, creates suspicion regarding their authenticity. It should also be noted that, had the applicant actually filed a Legalization Front-Desking Questionnaire with CIS on July 23, 2000, as claimed, a file would normally have been created at that point. However, there is no indication in CIS administrative or computer records of the applicant ever having filed such document.

Given his failure to provide credible documentation establishing that he 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.