



U.S. Citizenship
and Immigration
Services

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[Redacted]

JUN 4 2004

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: 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.

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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. It was reopened and denied again by the Director, National Benefits Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

In both decisions, the directors 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 of the initial decision, the applicant asserted that in 1987, he had attempted to file for legalization but was informed by an officer of the Immigration and Naturalization Service or INS (now, Citizenship and Immigration Services or CIS) that he was ineligible due to having engaged in unauthorized travel. The applicant further asserted that he subsequently submitted an application for class membership with the Los Angeles office of the Immigration and Naturalization Service or INS (now, Citizenship and Immigration Services or CIS), but never received a response. However, the applicant has submitted no independent, corroborative evidence to support these assertions.

The applicant does not respond to the subsequent decision.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). 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. The regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

Along with his LIFE application, the applicant included a photocopied, unfiled Form I-687, Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act, which is signed and dated August 16, 2001. As this application is dated *after* October 1, 2000, it cannot serve as evidence of the applicant having filed a timely written claim for class membership.

Subsequently, in response to the director's initial notice of intent to deny, the applicant submitted a photocopy of a Legalization Front-Desk Questionnaire purportedly dated September 30, 2000. However, the applicant fails to explain *why*, if he truly had this document in his possession the entire time, it had not been submitted along with his LIFE application. Applicants were instructed 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 document's authenticity.

It should also be noted that, had the applicant actually filed a Legalization Front-Desking Questionnaire with CIS on September 30, 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, or this agency ever having received, such document. In fact, no CIS file was ever created in the name of the applicant until he filed this LIFE application on October 19, 2001.

Given the applicant's failure to provide credible evidence 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.