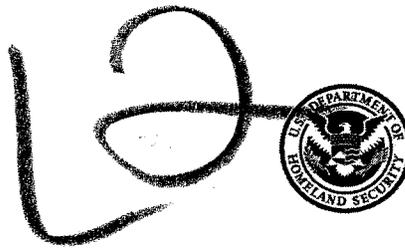


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prevent clearly unwarranted
invasion of personal privacy**

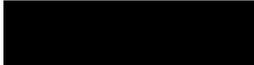
U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



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



FILE:



Office: NATIONAL BENEFITS CENTER

MAR 18 2004
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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann for".

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 he asserts that he qualifies for LIFE legalization because he filed his 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 his application, the applicant submitted a copy of a Legalization Front-Desking Questionnaire dated *December 8, 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 *December 15, 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.

In response to the notice of intent to deny, the applicant submitted a photocopy of the questionnaire provided in support of his application. The applicant also submitted a statement in which he acknowledged that the questionnaire was filed on *December 15, 2000*. The applicant claimed that he was eligible because he submitted the questionnaire before *February 2, 2001* pursuant to instructions put forth by CIS. Subsequently, on appeal, the applicant submits a similar statement in which he claims to have met the *February 2, 2001* deadline.

The applicant 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.

Along with his LIFE application and, subsequently, in response to the notice of intent to deny and on appeal, the applicant provided photocopies of a Form I-687, Application for Status as a Temporary Resident, along with an Affidavit for Determination of Class Membership in LULAC. 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 both the Form I-687 and the determination form are dated February 28, 1996, there is nothing to indicate that either document was ever actually filed or received by CIS. If the applicant had truly filed them in 1996, it would seem that he should have provided copies of these documents with his questionnaire in December 2000. Instead, he did not submit this evidence until he filed his LIFE application in May 2002.

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 P.O. Box in Houston. These aliens do not indicate that they are represented by counsel, 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 by the applicant. It is concluded that such photocopied documents as those provided by the applicant fail to establish that there were *original* documents which were actually submitted to CIS in 1996.

Given his failure to document 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.