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U.S. Department of Homeland Security
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Washington, DC 20536



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



FILE:



Office: NATIONAL BENEFITS CENTER

Date: **MAR 24 200**

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.

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 (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 he qualifies for LIFE legalization because he filed his legalization questionnaire prior to 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 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 *January 29, 2001*. 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 his application, the applicant also 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 but did not include a date.

In response to the notice of intent to deny, the applicant resubmitted the questionnaire provided in support of his application. The applicant also submitted a statement in which he acknowledged that his questionnaire was filed *subsequent to* October 2000. The applicant claimed that he was eligible because he submitted the questionnaire before *February 2, 2001* pursuant to instructions put forth by CIS.

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.

The applicant, in response to the notice of intent to deny, included a new photocopy of the Form I-687 application. However, the new photocopy, unlike the previous submission, includes a signature date of July 15, 1996. In addition to his new I-687 application, the applicant, in response to the notice of intent to deny, also submitted a photocopied Form for Determination of Class Membership in *CSS v. Reno*, which was also dated July 15, 1996. However, there is nothing in CIS administrative or computer records to indicate that *either* of these documents was ever filed with, or received by, CIS. The applicant has included no additional evidence of having submitted these documents. In the case of the photocopied class membership determination form, the applicant does not explain *why*, if this document had truly been in his possession the entire time, he did not submit earlier it along with his LIFE application, as applicants were advised to provide evidence *with* their applications. Nor does the applicant provide any explanation as to why his subsequently-submitted I-687 application included a signature date [July 15, 1996] while the I-687 he had previously provided did not. He also fails to explain why, if he truly had these photocopies, he did not provide them with the questionnaire in December 2000. It must be concluded that these photocopied documents do not establish that there were actual *original* documents which were submitted to CIS in July 1996.

Furthermore, the very questionable documents provided by the applicant 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 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.

Given his failure to credibly 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.