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



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

[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date: **MAR 24 2004**

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:

[Redacted]

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, through his attorney, asserts that the applicant is eligible for permanent resident status under the LIFE Act, and that evidence of the applicant having filed a legalization front-desking questionnaire on September 12, 2000 was not taken into consideration by the director when the application was denied.

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.

The applicant failed to submit any documentation addressing this requirement when the application was filed. In response to the notice of intent to deny and, subsequently, on appeal, the applicant submitted photocopies of a Legalization Front-Desking Questionnaire dated September 12, 2000. Such documents may be furnished in an effort to establish that an alien had previously applied for class membership. However, neither the applicant nor counsel attempts to explain why, if this document had truly been in the applicant's possession the entire time, it was not submitted initially along with his LIFE application but only after having received the director's notice of intent to deny. Applicants for LIFE eligibility were advised to provide any and all qualifying evidence *with* their applications. The applicant's failure to submit this document initially, or to explain why he did not, creates suspicion regarding its authenticity.

In addition, the photocopied Legalization Front-Desking Questionnaire submitted by the applicant on appeal includes an *original* signature which is recorded in ink. This would indicate that the form was an *original* document, rather than a photocopy of what the applicant's attorney, on appeal, is claiming the applicant had previously submitted on September 12, 2000. Moreover, the file contains a Form I-213 Record of Deportable Alien, which indicates that that, on September 5, 1994, the applicant was apprehended for having entered the U.S. illegally. Upon having been apprehended, the applicant was assigned an individual file. If the applicant *had* actually submitted his legalization questionnaire on September 12, 2000, as he has claimed, the

questionnaire would thereafter have been routed directly to the applicant's pre-existing file and would have been in the possession of CIS.

Given his failure to provide credible evidence establishing his having 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.