

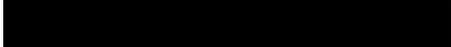
PUBLIC COMMENT

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U.S. Department of Homeland Security  
20 Mass, Rm. A3042, 425 I Street, N.W.  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

FILE:  Office: NATIONAL BENEFITS CENTER Date: MAY 13 2004  
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 [REDACTED] 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 [REDACTED] and, therefore, denied the application.

On appeal, the applicant submits a separate statement in which he asserts that he has already submitted evidence establishing his having filed a timely claim for class membership in the [REDACTED]

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: [REDACTED]

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 [REDACTED]. 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 photocopy of a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA), which was purportedly signed by the applicant on [REDACTED]. However, the applicant has submitted no evidence to indicate that he ever filed this application with the Immigration and Naturalization Service, or the Service [REDACTED]. Nor is there any indication in [REDACTED] administrative or electronic records that the agency ever received the application.

Subsequently, in response to the notice of intent to deny, the applicant submitted a photocopy of [REDACTED] class member declaration which was purportedly signed by him on [REDACTED]. However, the applicant provides no explanation whatsoever as to *why*, if he truly had this document in his possession the entire time, he did not submit it along with his LIFE application. Applicants were instructed to provide any and all qualifying evidence with their applications. The applicant's failure to submit the photocopied declaration initially, and his failure to explain why he did not, creates suspicion regarding the document's authenticity.

It is concluded that the photocopied documentation provided by the applicant does not establish that he actually filed a written claim for class membership in the [REDACTED] class-action lawsuit. The applicant has failed to credibly establish that he filed a timely written claim for class membership. Accordingly, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.