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U.S. Citizenship  
and Immigration  
Services

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MAY 21 2004

FILE:



Office: NATIONAL BENEFITS CENTER

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.

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 states 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 which is dated *December 6, 2002*. The applicant's file does include the *original* of the front-desking questionnaire, which is dated *December 8, 2000* and which was received by Citizenship and Immigration Services' (CIS) Vermont Service Center on *January 30, 2001*. The applicant does not account for the disparity between the two dates on these two separately-submitted photocopies of his legalization questionnaire. In any case, 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 resubmitted 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.

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 litigation 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, also submitted photocopies of a Form I-687, Application for Status as a Temporary Resident and a Form for Determination of Class Membership in *CSS v. Reno*. 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 30, 1994, there is nothing to indicate that either document was ever filed or was ever received by CIS. If he truly had these copies in his possession since 1993, it would seem logical he would have furnished them with the questionnaire which was submitted on December 15, 2000. Moreover, the applicant does not explain *why*, if these documents were truly in his possession the entire time, he did not submit them with his subsequent LIFE application, or in rebuttal to the notice of intent to deny, as applicants were advised to provide evidence *with* their applications.

On appeal, the applicant submitted another statement in which he claimed he met the February 2, 2001 deadline.

The very questionable documents submitted throughout the application process 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. It is concluded that such photocopies, furnished at a very late stage of these proceedings and unaccompanied by any reasonable explanation, do not establish that there were original documents which were actually submitted to CIS in 1993.

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.

The director, in his decision, also noted that the applicant was inadmissible under section 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA) as an alien who had entered the United States without admission or parole. However, the record of proceedings contains no separate judgment or finding of inadmissibility against the applicant on this charge. Moreover, under the provisions of the LIFE Act, the matter of the inadmissibility of an alien entering the U.S. without inspection is *not* an issue. In any case, as the applicant has already been determined to be ineligible for permanent residence under section 1104 of the LIFE Act, there is no need to pursue this matter further.

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