

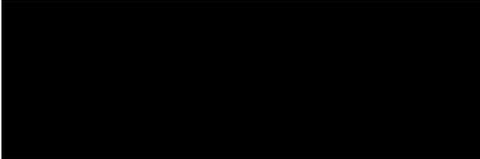
PUBLIC COPY

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

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



U.S. Citizenship
and Immigration
Services



12

FILE:



Office: NATIONAL BENEFITS CENTER

Date: **SEP 02 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. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

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 has submitted sufficient documentary evidence establishing he applied for class membership prior to October 1, 2000. The applicant provides additional affidavits from acquaintances who attest to the applicant's residence in the United States.

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.

Along with his LIFE application, the applicant submitted: 1) a copy of a Form I-687 Application for Status as a Temporary Resident under section 245A of the Immigration and Nationality Act (the Act) allegedly signed by the applicant on December 15, 1997; 2) a copy of a Legalization Front-Desk Questionnaire allegedly signed by the applicant on October 16, 1999; 3) a copy of an undated interview notice purportedly issued by the New York City Office, indicating that an interview had been scheduled on July 16, 1993 to determine class membership; and 4) affidavits from acquaintances attesting to the applicant's residence in the United States.

In response to a Notice of Intent to Deny issued on August 6, 2003, the applicant submitted a Form I-797C, notice of action purportedly issued in 1992 from the New York City Office acknowledging receipt of a Form I-687 application and a Form I-690 waiver request. The applicant also submitted affidavits from acquaintances and an employer attesting to the applicant's residence in the United States.

While the affidavits from the acquaintances submitted throughout the application process may attempt to serve as evidence of the applicant's residency, they do not establish that the applicant filed a timely written claim for class membership prior to October 1, 2000. The remaining documents fail to include a Citizenship and Immigration Services (CIS) Alien Registration Number (A-number, or file number) for the applicant, as required in 8 C.F.R. § 245.14(b). Furthermore, there is no record of CIS generating the notices listed above or receiving the Form I-687 application allegedly submitted by the applicant. Clearly, the applicant did not file the Form I-687 application. If he had, a file number would have been created at that point. In fact, no CIS file relating to the applicant existed prior to his having filed the current LIFE application.

It is further noted that the applicant is one of many aliens residing in New York City who have furnished such questionable photocopied documents with their LIFE applications. None of these applicants had pre-existing files with CIS prior to filing their LIFE applications, in spite of the fact that they all claim to have previously filed numerous applications or questionnaires with CIS. In addition, despite the absence in these files of any Form G-28, Notice of Entry of Representation, the statements on appeal from these aliens are nearly identical in language and content. These factors raise even more serious questions regarding the authenticity of the applications and supporting documentation.

It is concluded that the photocopies that the applicant has submitted do not establish that he actually made a written claim for class membership.

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