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

LA

FILE:



Office: NATIONAL BENEFITS CENTER

Date: **APR 11 2006**

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case 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 (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, counsel submits a brief in which he reiterates the applicant's claim that he had hired another separate attorney to assist him in filing his written claim to class membership and that they appeared together at an office of the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) to do so on or about April 15, 1990. Counsel asserts that this individual subsequently disappeared with all of the applicant's papers and without having filed necessary paperwork with the Service. Counsel asserts that once the applicant discovered that his former attorney had disappeared, he submitted a legalization questionnaire to the Service's Vermont Service Center (VSC) on February 1, 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.

With his Form I-485 LIFE Act application, the applicant included a legalization questionnaire dated February 1, 2001. The record shows that the legalization questionnaire had been submitted to the Service and received at the Service's VSC on February 6, 2001. The questionnaire is related to a separate program designed to identify applicants who attempted to apply for legalization during the period of May 5, 1987 to May 4, 1988, but whose applications were rejected or "front-desked." Under this program, the questionnaire was reviewed by the VSC to determine whether the front-desking claim was valid. If it was found to be valid, the applicant was instructed to file a Form I-687, application for temporary residence, with the Texas Service Center. The application was then adjudicated as though filed during the initial filing period. Submitting a questionnaire to the VSC under this program is not the equivalent of filing a written claim to class membership under one of the LIFE Act related lawsuits, nor does it alter the requirement that the written claim must have been filed prior to *October 1, 2000*, as stated in 8 C.F.R. § 245a.10.

On appeal, counsel reiterates the applicant's claim that he had hired another separate attorney to assist him in filing his written claim to class membership and that they appeared together at an office of the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) to do so on or about April 15, 1990. Counsel asserts that this individual subsequently disappeared with all of the applicant's papers and without having filed necessary paperwork with the Service. However, neither counsel nor the applicant provides any independent evidence to corroborate this claim. Going on record without supporting documentary evidence is not sufficient for purposes of meeting the burden of proof in these proceedings. *Matter of Soffici*, 22 I. & N. Dec. 158, 165 (Comm. 1998)(citing *Matter of Treasure Craft of California*, 14 I.

& N. Dec. 190 (Reg. Comm. 1972)). Without documentary evidence to support the claim, the assertions of counsel will not satisfy the petitioner's burden of proof. The assertions of counsel do not constitute evidence. *Matter of Obaigbena*, 19 I. & N. Dec. 533, 534 (BIA 1988); *Matter Of Laureano*, 19 I. & N. Dec. 1 (BIA 1983); *Matter of Ramirez-Sanchez*, 17 I. & N. Dec. 503, 506 (BIA 1980).

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.

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