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U.S. Department of Homeland Security  
Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE  
CIS, AAO, 20 Mass, 3/F  
425 I Street, N.W.  
Washington, D. C. 20536



**PUBLIC COPY**

**DEC 23 2003**

FILE:



Office: NATIONAL BENEFITS CENTER

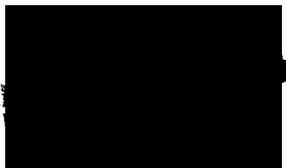
Date:

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:



Identifying information  
provided in this document  
is exempt from release under  
invasion of personal privacy

INSTRUCTIONS:

Attached is the decision rendered on your appeal. 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 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 references the applicant's A-number as proof that he is a class member in the requisite legalization class-action lawsuits.

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. The 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 included a photocopy of page 1 of a Form I-687 Application for Status as Temporary Resident Under Section 245A of the Immigration and Nationality Act (INA). Pursuant to 8 C.F.R. § 245a.14, a completed I-687 application may be considered as evidence of having applied for class membership. In this case, however, the photocopied submission provided by the applicant, including only page 1 of a four-page document, is incomplete and, therefore, inconclusive. An examination of the photocopied page discloses that it carries a receipt stamp indicating "Technology Systems - 20, July 13, 1993," although it is otherwise undated.

On appeal, counsel asserts that the photocopied page 1 of the application Form I-687, submitted by the applicant in support of his application, had previously been provided by Citizenship and Immigration Services (CIS) to counsel pursuant to a Freedom of Information Act (FOIA) request initiated by counsel. This would seemingly indicate that CIS had the actual Form I-687, which might well demonstrate that the applicant had filed a written claim for class membership. On October 21, 2003, the AAO sent counsel a follow-up communication informing her that, in order to expedite the adjudication of his appeal, she was requested to provide the copy of the actual cover letter from CIS which accompanied its response to counsel's FOIA request. Counsel was also asked by the

AAO to provide a copy of the applicant's *complete* Form I-687 along with copies of the *other* documents included in CIS's FOIA response package to counsel.

Subsequently, counsel responded to the AAO's communication by submitting the requested photocopied contents of the FOIA packet along with the accompanying cover letter from CIS's FOIA officer. An examination of the November 26, 2002 cover letter from the FOIA office indicates the sending of the material to counsel was prompted by counsel's FOIA request of October 4, 2002. However, the photocopied material sent by the FOIA office to counsel, which was subsequently provided to the AAO, still includes *only* page 1 of the I-687 application, as opposed to the *complete* document requested in the AAO's letter of October 21, 2003.

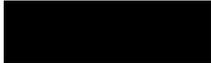
Counsel, on appeal, asserts that the photocopy of page 1 of the Form I-687 was included by CIS pursuant to a Freedom of Information Act (FOIA) request initiated by her firm. In his decision, however, the director specified that CIS had no record of the applicant ever having filed a Form I-687. As of this date, counsel has been unable to provide a completed application Form I-687.

It should also be emphasized that this applicant has no prior CIS file. Nor is there any indication of documentation having been submitted by the applicant or by counsel to CIS until May 20, 2002, when the applicant's LIFE application was received. Accordingly, it must be concluded that what counsel actually received pursuant to her October 4, 2002 FOIA request to CIS for a copy of material relating to the applicant was simply the material that accompanied the filing of the applicant's LIFE application five months earlier. The material sent by the FOIA office to counsel did not include any other documents relating to the applicant.

Given these circumstances, it is concluded that the photocopied excerpt of the Form I-687 provided by counsel in support of the application was not generated or issued by CIS. There is no indication that CIS has the original Form I-687 in its possession. CIS has only the photocopy that was submitted by counsel with this LIFE application.

On appeal, counsel also cites the applicant's Alien Registration Number (A-number, or file number) in an attempt to show he had applied for class membership. According to counsel, A-numbers assigned to *CSS*, *LULAC* and *Zambrano* applicants by the Houston, Texas office of Citizenship and Immigration Services (CIS) usually commenced with the numerical prefix "93" [the present applicant's A-number is A93 418 329]. According to counsel, this should be sufficient to establish the applicant meets the statutory requirement for eligibility under the LIFE Act.

However, while some A93 numbers were issued to *CSS*, *LULAC* and *Zambrano* applicants, other A93 numbers were issued to aliens when they applied for permanent residence under the LIFE Act. That is the case here; once the applicant filed his LIFE application, CIS proceeded to create file A93 418 329 and assigned that A-number to



the applicant. The applicant did not have a pre-existing file and A-number at the time he filed his current LIFE application.

Given his failure to credibly establish 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.