

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 20536



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



FILE: [redacted] Office: NATIONAL BENEFITS CENTER

Date: **APR 19 2004**

IN RE: Applicant: [redacted]

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 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.

for
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 (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, the applicant reiterates his claim that he registered as a "CSS" class member, but acknowledges that he has no way to prove his claim.

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 LIFE Act application, the applicant indicated that he attempted to file a legalization application for temporary residence under section 245A of the INA, but was told that he was not eligible by an employee of a QDE (a network of organizations designated by Congress in an effort to encourage and assist aliens in filing applications for temporary residence under both sections 210 and 245A of the INA). However, while the applicant may have been front-desked (informed that he was not eligible for temporary residence) when he attempted to file a legalization application, this action alone does not equate to having filed a written claim for class membership in any of the requisite legalization class-action lawsuits.

The applicant included photocopies of a Form I-687 legalization application dated October 31, 1988, and a "Form for Determination of Class Membership in CSS v. Meese" dated December 2, 1988. The applicant also provided a photocopy of a Legalization Front-Desking Questionnaire that is dated November 14, 2000. These documents 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 the Form I-687 is dated October 31, 1988, the determination form dated December 2, 1988, and the questionnaire form dated November 14, 2000, the record contains no evidence that any of these documents were submitted to the Service (now Citizenship and Immigration Service, or CIS) prior to the filing of the LIFE Act application on September 9, 2002.

In his subsequent response to the notice of intent to deny, the applicant again included the Form I-687 dated October 31, 1988, the determination form dated December 2, 1988, and the questionnaire form dated November 14, 2000. However, upon examination it is evident that the applicant provided original inked copies of these documents, some of which even contain corrections made with white-out. Furthermore all of the documents bear a "live" signature in ink. Thus, these are original documents; none of these are photocopies of what the applicant is claiming he had submitted prior to October 1, 2000. That is, if the applicant had actually submitted any of these documents prior to October 1, 2000, they would be in the possession of CIS, and the applicant could only have photocopies of what he had submitted to now present in this LIFE proceeding. An examination of CIS records fails to disclose any evidence of this applicant having previously filed such forms. In fact, no CIS A-file was ever created in the name of the applicant until he filed this LIFE Act application on September 9, 2002.

On appeal, acknowledges that he has no way to prove that submitted a written claim for class membership in one of the requisite legalization class-action lawsuits. An examination of the record fails to disclose any documentation concerning a request for class membership that was filed by the applicant prior to the receipt of his LIFE Act application.

The record reflects that all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership in a timely manner. Given his failure to document that he timely filed a 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.