



U.S. Citizenship  
and Immigration  
Services

L-2



FILE: [Redacted]

Office: National Benefits Center

Date: AUG 04 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 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director  
Administrative Appeals Office

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**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits Center. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the record did not establish the applicant had applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000.

On appeal the applicant asserts that he filed a Form I-687, Application to Adjust Status as a Temporary Resident, with the Vermont Service Center on May 10, 1988 and that he received an A-number at that time. The applicant asserts that in October 1988 he went to an Immigration and Naturalization Service (INS) office in New York City to inquire about his case and was told he was a member of the *LULAC* class-action lawsuit, *infra*. According to the applicant an interview was scheduled for him in November 1988, but he was unable to attend because he had returned to Colombia on October 30, 1988. The applicant also referred to a "Front Desk Questionnaire" and a "LULAC Class Membership Declaration," already in the record, which he alleges had previously been submitted to the Vermont Service Center. Lastly, the applicant reminded the AAO that his wife and children, who filed separate applications, are seeking derivative LIFE legalization through him.

An applicant for permanent resident status under section 1104 of 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 one 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 section 1104(b) of the LIFE Act and 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 application (Form I-485) the applicant submitted photocopies of a Form I-687, Application for Status as a Temporary Resident (Under Section 245A of the Immigration and Nationality Act), bearing his signature and dated May 1988, and a Legalization Front-Desking Questionnaire, bearing his signature and dated October 11, 2000, in which the applicant asserted that he mailed the I-687 application to the INS office in [REDACTED] Vermont in May 1988. Later, in response to the director's Notice of Intent to Deny, the applicant submitted a photocopy of a LULAC Class Membership Declaration, bearing his signature and dated October 8, 1998. Finally, in support of his appeal, the applicant submitted a photocopy of an appointment notice from a Legalization Office in New York City, stamped "L.U.L.A.C." in bold ink, purportedly scheduling an interview with the applicant on November 29, 1988 "to determine subclass membership."

There is no record at Citizenship and Immigration Services (CIS), successor to the INS, that any of the foregoing materials allegedly filed by the applicant in the 1980s or 1990s were actually submitted to the INS before October 1, 2000. The applicant has submitted no evidence, such as a postal receipts or acknowledgement letters, demonstrating that the I-687 application and the LULAC Class Membership Declaration were completed and sent to the INS in May 1988 and October 1998, as alleged, or any time prior to October 1, 2000. As for the Legalization Front-Desking Questionnaire, it could not have been submitted to the INS before October 1, 2000 in any event because the date it bears – October 11, 2000 – is even later. In fact, there is no evidence that any of these three documents was submitted to CIS (INS) until 2003, during the course of the instant LIFE Act proceedings. That was long after the statutory deadline to file a claim for class membership in *LULAC*, or one of the other legalization lawsuits, *CSS* or *Zambrano*. Moreover, contrary to his assertion on appeal that he received an A-number in 1988, it was only after his LIFE application was filed

on January 30, 2003 that the INS (CIS) issued the applicant an A-number. Thus, none of the foregoing documents – the I-687 application, the LULAC Class Membership Declaration, or the Legalization Front-Desking Questionnaire – constitutes persuasive evidence of a timely filed claim for class membership in *LULAC*.

With regard to the appointment notice from the INS purportedly scheduling an interview with the applicant on November 29, 1988 to determine his subclass membership, the applicant did not submit this document prior to his appeal. By way of explanation the applicant asserts that this notice was among some other documents which he had misplaced in his native Colombia, that it was recently discovered by a relative, and that it was forwarded to the applicant in time to be filed in support of this appeal. The AAO is not persuaded that the appointment notice actually dates from 1988. Despite the applicant's explanation, the lateness of the document's submission calls its authenticity into question. Applicants were instructed to submit supporting evidence *with* their LIFE applications, and the applicant in this case did submit an I-687 application and a Legalization Front-Desking Questionnaire with his I-485 application in January 2003. The applicant submitted the LULAC Class Membership Declaration on July 1, 2003, after receiving a Notice of Intent to Deny. He provided no explanation for the delay, which casts doubt on the authenticity of that document as well, considering its importance as evidence of a timely claim for class membership. The appointment notice was submitted another three and a half months later, on October 14, 2003. According to the applicant in his appeal, a relative had "just found this paper" among his documents in Colombia. Considering the applicant had already submitted evidence on two prior occasions in 2003, it is reasonable to ask why the appointment notice was not discovered earlier in this proceeding. Indeed, the applicant has provided no details at all about how and when he misplaced the appointment notice and other documents in Colombia, what efforts he made to find them earlier, and the circumstances of their discovery by a relative in time for submission with the instant appeal. Taking all of these circumstances into consideration, the AAO is not persuaded that the appointment notice submitted by the applicant on appeal was actually issued to him by the INS in 1988. Accordingly, the appointment notice does not constitute persuasive evidence of a timely filed claim for class membership in *LULAC*.

For all of the reasons discussed above, the AAO concludes that the evidence of record fails to establish that the applicant filed a written claim for class membership in *LULAC*, or one of the other legalization lawsuits, *CSS* or *Zambrano*, before October 1, 2000, as required under section 1104(b) of the LIFE Act.

Accordingly, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

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