

L2

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



U.S. Citizenship
and Immigration
Services



FILE: [Redacted] Office: NATIONAL BENEFITS CENTER Date:
IN RE: Applicant: [Redacted] AUG 11 2014

PETITION: 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. 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

U.S. DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION AND CUSTOMS ENFORCEMENT
INVESTIGATION OF PERSONAL PRIVACY

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 she 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 asserts that she was unaware of the requirement of filing an application for class membership by the October 1, 2000 closing date and that this, in turn, has impacted adversely on her ability to apply for permanent resident status under the LIFE Act. However, offices of the Immigration and Naturalization Service (INS) or the Service (now, Citizenship and Immigration Services or CIS) throughout the country, along with numerous private voluntary organizations, undertook extensive efforts to disseminate information and provide widespread publicity informing aliens as to the necessity of filing a written claim for class membership prior to the October 1, 2000 deadline, as well as the specific procedures and requirements for applying for permanent resident status under the LIFE Act. In any case, the burden of filing a timely application for class membership ultimately resides with the *applicant*. Section 291 of the Act, 8 U.S.C. § 1361.

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 her LIFE application the applicant submitted the following:

- a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was signed by the applicant on March 2, 1988;
- a photocopy of a Legalization Front-Desking Questionnaire signed by the applicant on September 15, 2000;
- a photocopied Form for Determination of Class Membership in *CSS v. Meese*, which was signed by the applicant on November 14, 1988; and

- A June 22, 1992 memo from INS's Vermont Service Center informing the applicant that processing of her application would be deferred pending the outcome of pertinent litigation.

The photocopied submissions provided by the applicant may be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. 245a.14(d). While the Form I-687 application might serve as evidence of being "front-desked" or otherwise discouraged or prevented from applying for legalization under section 245A of the Immigration and Nationality Act (INA), it does *not* constitute an application for class membership under any of the aforementioned class-action lawsuits. Moreover, the Form I-687 bears a "live" signature in ink. As such, this application constitutes an *original* document, rather than a photocopy of what the applicant is claiming she had submitted in the past.

While the applicant also provided photocopies of a determination form and a legalization questionnaire, there is no indication in CIS records that these documents, or the accompanying I-687 application, were ever actually filed by the applicant or that they were ever received by CIS. If the applicant had actually submitted these documents prior to October 1, 2000, they would be in the possession of the Service. In fact, no CIS file was ever created in the name of the applicant until her LIFE application was received on January 14, 2003. In addition, an examination of the previously-referenced Vermont Service Center memo to the applicant indicates the document does not include a CIS Alien Registration Number (or A-number) pertaining to the applicant. These factors serve to create considerable skepticism regarding the authenticity and credibility of the applicant's documentation and claim to eligibility under the LIFE Act.

The applicant has, therefore, failed to submit documentation which credibly establishes her having filed a timely written claim for class membership in any of the aforementioned legalization class-action lawsuits. 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.