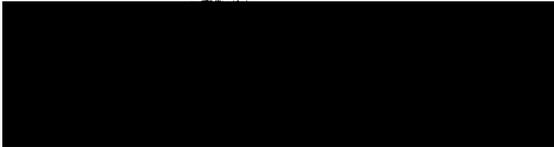


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U.S. Citizenship
and Immigration
Services



FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant: [Redacted]

AUG 10 2004

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

Identifying and related to
prevent and respond to
invasion of our borders

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Acting 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 asserts that the documents he has provided with his LIFE application had been filed previously in connection with his having applied for class membership.

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 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 November 9, 1988;
- a photocopy of a Legalization Front-Desking Questionnaire signed by the applicant on October 5, 2000;
- a photocopied Form for Determination of Class Membership in *CSS v. Meese*, signed by the applicant on April 25, 1988; and
- A June 1, 1992 memo from INS's Vermont Service Center informing the applicant that processing of his 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. The legalization questionnaire submitted by the applicant is untimely, as it signed *October 5, 2000*, which is subsequent to the

October 1, 2000 deadline for filing a claim for class membership. Moreover, there is no indication in Citizenship and Immigration Services (CIS) records that the I-687 application, the determination form, or the legalization questionnaire 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 CIS.

The photocopied memo from the Vermont Service Center to the applicant does not include a CIS Alien Registration Number (or A-number) pertaining to the applicant. While the memo makes reference to a pending application having been filed by the applicant, there is no indication as to exactly *what* application the memo refers. Furthermore, if the applicant actually had a pending application on file with CIS, a file would normally have been generated at that point. In fact, no CIS file was ever created in the name of the applicant until his LIFE application was received on October 21, 2002.

The applicant has, therefore, failed to submit documentation which credibly establishes his 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.