

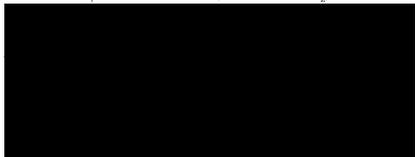
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U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



U.S. Citizenship and Immigration Services



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FILE:



Office: NATIONAL BENEFITS CENTER

AUG 25 2004
Date:

IN RE:

Applicant:



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.

Handwritten signature of Robert P. Wiemann

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. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant had not established 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 submits a separate statement in which he reaffirms his eligibility for permanent resident status under the LIFE Act as one who has submitted a timely application for class membership in the *CSS/LULAC* class-action lawsuit.

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.

With his LIFE application, the applicant has submitted the following:

- a photocopied 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 December 10, 1987;
- a photocopied Form for Determination of Class Membership in *CSS v. Thornburgh (Meese)*, signed by the applicant on May 17, 1993; and
- a photocopy of a Legalization Front-Desking Questionnaire signed by the applicant March 5, 1999.

Documentation such as that provided by the applicant *may* possibly be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. § 245a.14(d). The applicant's I-687 application is signed December 18, 1987, which was during the May 5, 1987 to May 4, 1988 application period for applying for temporary residence (legalization) under the Immigration Reform and Control Act (IRCA). While this photocopied 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. Nor is there any indication that this application was ever actually filed by the applicant or that it was ever received by the Immigration and Naturalization Service or INS (now, Citizenship and Immigration Services or CIS).

Nor is there any indication in computer or administrative records that the determination form or the front-desking questionnaire were ever submitted to CIS. It should also be noted that, had the applicant actually filed a Legalization Front-Desking Questionnaire with CIS on March 5, 1999, as claimed, a file would normally have been created at that point. However, a CIS file was never created for the applicant until after receipt of his LIFE application on March 20, 2003.

Subsequently, on appeal, the applicant submitted a photocopy of a notice dated April 16, 1993, reflecting that the applicant was to be interviewed at the New York City office of INS on July 16, 1993, regarding the question of his eligibility for class membership in CSS/LULAC. However, the photocopied interview notice submitted by the applicant does not include an INS Alien Registration Number (or A-number). Moreover, the applicant does not explain why, if this notice had truly been in his possession the entire time, it was not submitted initially along with his LIFE application or in rebuttal to the notice of intent to deny, but only after his application was denied. Applicants for LIFE eligibility were advised to provide any and all qualifying evidence *with* their applications. The applicant's failure to submit this document initially, or to explain why he did not, creates suspicion regarding its authenticity.

It is concluded that the photocopied documents submitted by the applicant fail to establish that he actually filed a timely written claim for class membership in *CSS/LULAC*, as required in section 1104(b) of the LIFE Act. The applicant is, therefore, 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.