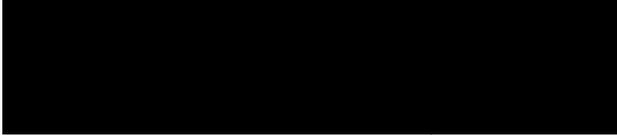


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Services

**identifying data deleted to
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invasion of personal privacy**



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FILE:



Office: NATIONAL BENEFITS CENTER

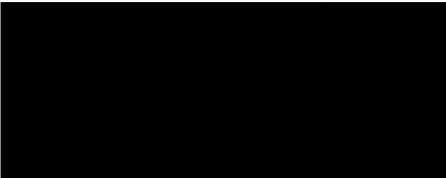
Date:

IN RE: Applicant:



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:



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.

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, counsel for the applicant makes reference to his client's application as a "classic 'front desked' case." While counsel indicates that he is augmenting his appeal with an attached brief and supporting documentation, an examination of the record of proceedings fails to disclose the presence of such material.

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.

Along with his LIFE application, the applicant provided the following:

- An undated, handwritten, completed Form for Determination of Class Membership in *CSS v. Meese*; and
- a photocopy of a "to whom it may concern" form letter from Cristo Vive for Immigrants/Christian Social Services of Austin, Texas, stating that in its opinion, the documentation submitted to that organization by the applicant was bona fide and that the applicant appeared to be eligible for legalization under IRCA.

The photocopied form letter from Cristo Vive, offering its opinion as to the applicant's eligibility for legalization, amounts to mere speculation which is unsupported by independent, corroborative evidence. The handwritten determination form submitted by the applicant is a document that *may* be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. § 245a.14(d). However, *if* the applicant had submitted this form prior to October 1, 2000 to request class membership, he would not have still had the form to file with his LIFE application on June 18, 2002. What he submitted with his LIFE application was an *original*, handwritten submission -- *not* a copy of a previously-submitted determination form that had been timely filed prior to October 1, 2000.

Subsequently, in response to the notice of intent to deny, the applicant submitted a completed Legalization Front-Desking Questionnaire, which was signed by the applicant on October 12, 2002. Therefore, this document cannot serve to establish that the applicant requested class membership prior to October 1, 2000.

The documentation submitted by the applicant fails to establish his having filed a timely written claim for class membership in any of the 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.