



U.S. Citizenship
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Services

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FILE:

Office: NATIONAL BENEFITS CENTER

Date:

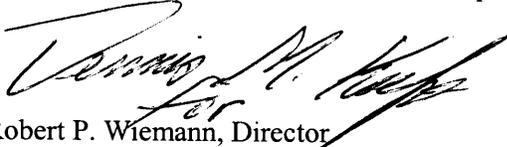
IN RE: Applicant:

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.


for
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 was reopened and denied again by the Director, National Benefits Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

In both decisions, the directors 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 of the initial decision, the applicant asserts he has submitted sufficient documentation to support of his claim to eligibility for permanent resident status under the LIFE Act, and takes issue with the director's decision denying his application.

The applicant did not respond to the subsequent decision.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). See 8 C.F.R. § 245a.10.

In the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership before October 1, 2000. However, the applicant must establish that the family relationship existed at the time the spouse or parent initially attempted to apply for temporary residence (legalization) in the period of May 5, 1987 to May 4, 1988. See 8 C.F.R. § 245a.10.

The applicant failed to submit any documentation addressing this requirement when the application was filed. In response to the initial notice of intent to deny, the applicant submitted a photocopied Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA), which is dated September 12, 1988. While a completed Form I-687 application could possibly be considered as evidence of having applied for class membership, the photocopied form submitted by the applicant does not contain a receipt stamp or any other designation to indicate that it was ever actually filed with, or received by, Citizenship and Immigration Services (CIS). Nor does the applicant provide an explanation as to *why*, if he truly had this document in his possession since 1988, he did not submit it along with his LIFE application, as applicants were specifically instructed to provide all relevant qualifying evidence of eligibility *with* their applications. These factors raise grave questions about the authenticity of the applicant's photocopied Form I-687. It is concluded that such document, furnished at a very late stage of these proceedings and unaccompanied by any reasonable explanation, does not establish that this is a photocopy of an original document which was actually submitted to CIS by the applicant in 1988.

In response to the initial notice of intent to deny, counsel for the applicant issued a separate statement in which he asserted that the applicant was applying for adjustment to permanent resident status under the LIFE Act on a derivative basis as the spouse of one who had previously filed a claim for class membership. However, a thorough review of CIS electronic and administrative records fails to disclose that the applicant's wife had ever filed a claim for class membership. As such, the applicant cannot claim class membership as a derivative alien pursuant to 8 C.F.R. § 245a.10.

In response to the subsequent notice of intent to deny, the applicant submitted photocopies of three Form I-688B Employment Authorization cards. An examination of these cards indicates that they were issued to the applicant's wife and children and pertain to an entirely different proceeding. In addition, all three cards were issued in January 2001. As such, the photocopied Employment Authorization cards submitted by the applicant fail to establish that he filed a written claim for class membership prior to October 1, 2000.

Given his failure to establish that he filed a timely written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

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