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U.S. Department of Homeland Security
Citizenship and Immigration Services

ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street, N.W.
Washington, D.C. 20536

FILE:

Office: National Benefits Center

Date:

JAN 22 2004

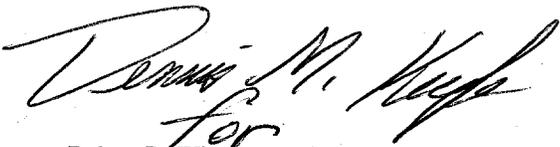
IN RE: Applicant:

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: Self-represented

INSTRUCTIONS:

Attached is the decision rendered on your appeal. 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, 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 he had been "front-desked" when he attempted to file a legalization application in March 1988 at a Service (now Citizenship and Immigration Services, or CIS) office in Philadelphia, Pennsylvania, and was turned away by a CIS employee. The applicant contends that he subsequently submitted a "LULAC Class Membership Declaration" to CIS's Vermont Service Center on March 29, 1996. The applicant declares that the LIFE legalization questionnaire dated September 4, 2000, contained in the record is further proof of his class membership.

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 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).

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 Act application, the applicant included a photocopy of a Form I-687 legalization application dated March 17, 1988, and a personal statement. In his statement, the applicant claimed that he had been "front-desked" when he attempted to file the legalization application in March 1988 at a CIS office in Philadelphia, Pennsylvania, and was turned away by a CIS employee. While the applicant may very well have been "front-desked" (informed that he was not eligible for legalization) when

he attempted to file the legalization application in March 1988, this action alone does not equate to having filed a written claim for class membership in any of the requisite legalization class-action lawsuits. The applicant asserted that he subsequently submitted a copy of the same Form I-687 application dated March 17, 1988, and a money order to the Vermont Service Center, but that he could not remember the amount of this money order. However, the applicant failed to submit any evidence with his LIFE Act application to corroborate the assertion that he filed such documentation. As such, the Form I-687 application cannot be considered as evidence that the applicant filed a written claim for class membership in one of the legalization class-action lawsuits prior to October 1, 2000.

The applicant also included a photocopy of a Legalization Front-Desking Questionnaire that is dated September 4, 2000, with his LIFE Act application. However, the applicant neither claimed nor documented that the questionnaire was submitted to CIS prior to the receipt of his LIFE Act application. Furthermore, the record contains no evidence that the legalization questionnaire was submitted to CIS prior to the filing of the LIFE Act application on November 22, 2002. Therefore, the Legalization Front-Desking Questionnaire cannot be considered as evidence that the applicant filed a written claim for class membership in one of the legalization class-action lawsuits prior to October 1, 2000.

Both in response to the notice of intent to deny and on appeal, the applicant reiterates his claims that he had been "front desked" when he attempted to file the legalization application in March 1988, and that he subsequently submitted another legalization application and a money order to the Vermont Service. While the applicant includes photocopies of both the Form I-687 application and the Legalization Front-Desking Questionnaire discussed in the previous paragraphs, the applicant also submits a photocopy of a "LULAC Class Membership Declaration" dated March 29, 1996. The applicant now contends that it was this document that he sent to the Vermont Service Center to claim class membership in 1996. However, this statement contradicts the applicant's previous claim that he had asserted a claim to class membership by sending a copy of the Form I-687 application dated March 17, 1988, and a money order to the Vermont Service Center in 1996. Furthermore, the copy of the allegedly submitted LULAC declaration indicates that the applicant reentered the United States with a non-immigrant visa. He has provided no evidence of such entry. As the LULAC lawsuit related to those that reentered with visas, and the applicant has submitted no proof of such, it

appears unlikely that he would have applied for membership in the *LULAC lawsuit*.

In addition, the applicant provides no explanation whatsoever as to *why*, if he truly had the "LULAC Class Membership Declaration" in his possession the entire time, he did not submit it with his LIFE application. Applicants were instructed to provide qualifying evidence *with* their applications and the applicant did include other supporting documentation with his LIFE Act application. Moreover, it must be reiterated that there is no record of CIS ever receiving the documentation allegedly submitted by the applicant prior the receipt of his LIFE Act application and its adjudication.

An examination of the record fails to disclose that any documentation concerning a request for class membership was filed by the applicant by October 1, 2000.

The record reflects that all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership in a timely manner. Given his failure to document that he *timely* filed a 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 eligibility.