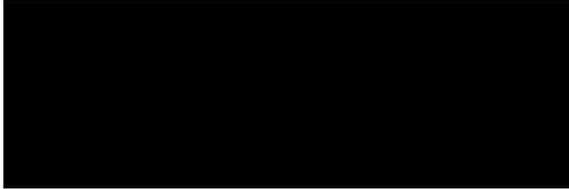


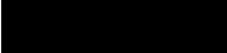


U.S. Citizenship
and Immigration
Services

...identifying data deleted to
protect the privacy of the individual
...of the Department of Homeland Security



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:

Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has 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

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 the documentation he has provided should serve to establish his eligibility for permanent resident status under the LIFE Act as an applicant for class membership in the LULAC legalization class-action lawsuit. The applicant provides copies of previously submitted documentation in support of the appeal.

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.

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. The 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 included a photocopied Form I-687, Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act (INA), which is dated December 30, 1990. The applicant also included a separate statement in which he asserted that had mailed the Form I-687 application to the Immigration and Naturalization Service's, or the Service's (now Citizenship and Immigration Services or CIS) Vermont Service Center in December 1990, but that he never heard anything further from the Service regarding this application.

While a photocopied 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 INA, it does not constitute an application for class membership under any of the aforementioned class-action lawsuits. Moreover, the applicant has not submitted any evidence, such as postal receipts or acknowledgement letters from the Service, that the original document was actually submitted to the Service in December 1990, as alleged. The Service has no record of receiving the Form I-687 application in 1990, or any other time before October 1, 2000, as required for them to be considered as a timely claim for class membership in *LULAC*. Furthermore, the Service has no record of receiving the Form I-687 application prior to the initial filing of the LIFE Act application on September 6, 2002. Such date is well after the statutory deadline of October 1, 2000, to file a claim for class membership in *LULAC* or the other two legalization lawsuits.

In response to the notice of intent to deny, the applicant submitted the following:

- A photocopy of a *LULAC* Class Member Declaration dated December 22, 1999; and
- A photocopy of a Legalization Front-Desking Questionnaire dated July 10, 2000.

Such documents may be furnished in an effort to establish that an alien had previously applied for class membership. However, the applicant does not explain why, if these documents were truly in his possession the entire time, he did not submit them initially along with his LIFE application but only after having received the director's notice of intent to deny. Applicants for LIFE eligibility were advised to provide any and all qualifying evidence *with* their applications. The applicant's failure to submit these documents initially, or to explain why he did not, creates suspicion regarding their authenticity. It should also be noted that, had the applicant actually filed a Legalization Front-Deskling Questionnaire with the Service on or about July 10, 2000, a file would normally have been created at that point. In addition, there is no indication in CIS administrative or computer records of the applicant ever having filed such documents prior to the submission of his response to the notice of intent to deny in these current proceedings.

Given his failure to provide credible documentation establishing 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.