

PUBLIC COPY

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

**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

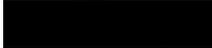


**U.S. Citizenship
and Immigration
Services**

La



FILE:



Office: National Benefits Center

Date: JUL 23 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:

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

The director concluded that the record did not establish the applicant had applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000.

On appeal, the applicant asserts that the evidence he provided to the Missouri Service Center with his LIFE application established that he filed a claim for class membership in the "CSS/LULAC" class-action lawsuit.

The appeal was filed on behalf of the applicant by [REDACTED] of an organization called Helping Hands Services in West Orange, New Jersey. Mr. [REDACTED] filed a Form G-28, Notice of Appearance as Attorney or Representative, in which he asserted that he was an accredited representative. 8 C.F.R. § 292.1(a)(4) defines an accredited representative as "a person representing an organization described in § 292.2 of this chapter who has been accredited by the Board [of Immigration Appeals] (BIA)." An organization qualified for recognition "may file an application for recognition on a Form G-27 directly with the Board" and must be approved by the Board. 8 C.F.R. § 292.2(b). Helping Hands Services does not appear on the BIA's roster of recognized organizations and Hubert Dorcant does not appear on its roster of accredited representatives. As specified in 8 C.F.R. § 292.1(a)(3)(ii), an applicant may also be represented by "[a]ny reputable individual of good moral character, provided that [h]e is appearing without direct or indirect remuneration and *files a written declaration to that effect.*" (Emphasis added.) No such written declaration has been filed in this case by [REDACTED]. Thus, neither [REDACTED] nor Helping Hands Services is authorized to represent the applicant in this action. Accordingly, the decision on this appeal will only be sent to the applicant.

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.

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.

In his LIFE application (Form I-485) the applicant identified CSS as the basis of his eligibility for "LIFE legalization." Submitted along with the Form I-485 were photocopies of:

- (1) a Notice of Intent to Revoke, addressed to the applicant from the San Francisco District Office, indicating that he had applied for class member status in CSS at the Salinas Legalization Office on October 11, 1990, and
- (2) a Legalization Front-Desking Questionnaire, signed by the applicant and dated January 14, 2000, in which he asserted that he filed an application for adjustment of status with the INS office in Salinas, California on August 19, 1988, which was denied in October 1999, and that he attempted to file another application at the Salinas office on October 30, 1988.

Both of the above documents list the applicant's A-number as [REDACTED]. As the director indicated in his decision, however, no such A-number was ever issued to the applicant. Moreover, the A-number is invalid because the INS has never issued A-numbers with four digits in the final segment. The INS (now Citizenship

and Immigration Services, or CIS) has no record of issuing any A-number to the applicant until the instant LIFE application was filed in February 2003.

The AAO concludes that the photocopied Notice of Intent to Revoke is not an authentic document. Accordingly, it does not constitute credible evidence of a timely written claim by the applicant for class membership in CSS.

The applicant apparently regards the Legalization Questionnaire, dated January 14, 2000, as a timely claim for class membership in CSS. Citizenship and Immigration Services (CIS), successor to the INS, has no record of receiving the questionnaire from the applicant in January 2000. The applicant has submitted no evidence, such as a postal receipt or an acknowledgement letter, demonstrating that the questionnaire was completed and sent to the INS in January 2000, as alleged, or any time prior to October 1, 2000. In fact, INS (CIS) has no record of receiving the Legalization Questionnaire until February 2003, when the instant LIFE application was filed. That was long after the statutory deadline of October 1, 2000 to file a claim for class membership in CSS or one of the other legalization lawsuits, *LULAC* or *Zambrano*.

Moreover, the Legalization Questionnaire was related to a separate program designed to identify applicants who attempted to apply for legalization during the original filing period from May 5, 1987 to May 4, 1988, but whose applications were rejected, or "front-desked." Under that program the questionnaire was reviewed by the Vermont Service Center to determine whether the front-desking claim was valid. If it was found to be valid, the applicant was instructed to file a Form I-687, application for temporary resident status, with the Texas Service Center. The application would then be adjudicated as if it had been filed during the original filing period. Thus, submitting a Legalization Questionnaire to the Vermont Service Center was not the same thing as filing a claim for class membership in one of the legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, as required to be eligible for permanent resident status under the LIFE Act.

For all the reasons discussed above, the record fails to establish that the applicant filed a written claim for class membership in CSS before October 1, 2000, as required under section 1104(b) of the LIFE Act.

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.