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



FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER

Date **MAR 22 2004**

IN RE: Applicant: [REDACTED]

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, and is now before the Administrative Appeals Office 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.

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 application, the applicant submitted a photocopied a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was purportedly signed by the applicant on May 16, 1987. This date would have been shortly after the inception of the May 5, 1987 to May 4, 1988 application period for applying for temporary residence (legalization) under the Immigration Reform and Control Act (IRCA). While this photocopied application might serve as evidence of being "front-desked" or otherwise discouraged or prevented from applying for legalization under section 245A of the Immigration and Nationality Act (INA), it does *not* constitute an application for class membership under any of the aforementioned class-action lawsuits. Nor is there any indication that this application was ever actually filed by the applicant or that it was ever received by CIS.

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

- A photocopy of a LULAC Class Member Declaration dated January 13, 1990; and
- A photocopy of a Legalization Front-Desking Questionnaire dated May 14, 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-Desking Questionnaire with CIS on May 14, 2000, as claimed, a

file would normally have been created at that point. However, there is no indication in CIS administrative or computer records of the applicant ever having filed such document. The fact that the applicant was residing in Colombia at that time casts further doubt upon his claim that he submitted the questionnaire.

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.