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U.S. Citizenship  
and Immigration  
Services

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FILE: [Redacted] Office: NATIONAL BENEFITS CENTER Date: SEP 23 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 office that originally decided your case. If your appeal was sustained, or if your case 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was initially denied by the Director, Missouri Service Center and then remanded by the Administration Appeals Office (AAO). The director's subsequent decision to recommend that the application be denied again has been certified to the AAO. This decision will be affirmed.

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.

In his initial decision, 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 from the director's initial decision, the applicant asserted that he had submitted a legalization questionnaire the Immigration and Naturalization Service, or the Service, (now Citizenship and Immigration Services, or CIS), but that he never received a response. The applicant submitted documentation in support of the appeal.

In the subsequent certified decision, the director concluded that the evidence provided by the applicant failed to establish that he filed an actual written claim for class membership in a timely manner.

In response to the certified decision, the applicant reiterates his claim that he provided a legalization questionnaire to the Service. The applicant contends that he went to a Service office in Chicago, Illinois on December 5, 1995. According to the applicant, a Service employee refused to take his documents and stated that the program was cancelled. The applicant declares that many people had their applications refused by Service employees at the Service's Chicago office in 1995 and 1996. The applicant insists that this rejection of applications by Service employees is the same reason why the Service and its successor CIS are not in possession of any record of applications between May 4, 1987 and May 5, 1988. The applicant maintains that in light of such errors, denying his application is unfair.

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 and throughout these proceedings, the applicant submitted a Form I-687, Application for Status as Temporary Resident Under Section 245A of the Immigration and Nationality Act (INA), dated September 22, 1987, as well as another separate Form I-687 application dated November 16, 1995. The applicant also provided a Legalization Questionnaire dated April 17, 2000, and an undated document titled "Affidavit," which described his purported attempts to have applied for legalization during the actual filing period of May 5, 1987 to May 4, 1988. However, it is clearly evident that the Form I-687 application dated November 16, 1995, was prepared well after this date as the applicant listed two sons that were born in 1998 and 1999, respectively, in part 32 of the Form I-687 application where applicants were asked to list spouses, former spouses,

sons, daughters, brothers and sisters. Furthermore, the Legalization Questionnaire is completed in ink and bears a "live" signature. Thus, this is an original document and cannot be a photocopy of what the applicant is apparently claiming he had submitted prior to October 1, 2000. That is, if the applicant had actually submitted this document prior to October 1, 2000, it would be in the possession of CIS, and the applicant could only have a photocopy of what he had submitted to now present in this LIFE proceeding.

These documents are listed in 8 C.F.R. § 245a.14 as examples of documents which may be furnished in an effort to establish that an alien had previously applied for class membership. Although these documents are dated prior to October 1, 2000, the statutory deadline for the filing of written claims for class membership in a legalization class-action action under section 1104 of the LIFE Act, the applicant has not provided any independent evidence that would tend to corroborate his claim to have filed a timely claim for class membership in any of the legalization lawsuits. Furthermore, the record contains no evidence that any of these documents were submitted to the Service or its successor CIS prior to the filing of the LIFE Act application on December 16, 2001. In addition, the applicant provides photocopies of four separate money orders made payable to the Service, which the applicant indicates are further proof that he made a timely claim to class membership prior to October 1, 2000. However, all of the money orders are dated December 8, 2001, a date that is contemporaneous to the applicant's filing of his LIFE Act application on December 16, 2001, and well after the statutory deadline of October 1, 2000 for the filing of written claims for class membership in a legalization class-action action under section 1104 of the LIFE Act.

The applicant indicated that he attempted to file a legalization application for temporary residence under section 245A of the Immigration and Nationality Act (INA), but was told that he was not eligible by an employee of the Service. While the applicant may have been front-desked (informed that he was not eligible for temporary residence) when he attempted to file a legalization application in the original application period from May 5, 1987 to May 4, 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.

Given his failure to establish having filed a timely written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act. Therefore, the decision recommending denial of the LIFE Act application shall be affirmed.

**ORDER:** The certified decision recommending the denial of the application for permanent resident status is affirmed.