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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: NATIONAL BENEFITS CENTER

Date: FEB 25 2005

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. All documents have 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, National Benefits 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 claims to have sent a request for class membership to the Washington, D.C. office of the Immigration and Naturalization Service or the Service (now Citizenship and Immigration Services, or CIS) on December 12, 1999, but that he never received a response. In addition, the applicant indicates that he qualifies for LIFE legalization because he attempted to file a legalization application during the initial application period from May 5, 1987 to May 4, 1988, but was told that he did not qualify. The applicant also references an Administrative file number or A-file number that had assigned to him when he previously submitted a Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker (SAW) under Section 210 of the Immigration and Nationality Act (INA) to the Service.

Although a Notice of Entry of Appearance as Attorney or Representative (Form G-28) has been submitted, the individual is not authorized under 8 C.F.R. § 292.1 or § 292.2 to represent the applicant. Therefore, this decision will be furnished to the applicant only.

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. The regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

Along with his Form I-485 LIFE Act application, the applicant provided the following:

- a Form I-687, Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act, that is signed by both the applicant and the individual who prepared the application and dated February 24, 1988;
- a Legalization Questionnaire dated December 17, 1999;
- a one-page fact-sheet entitled "CSS v. RENO;" and,
- an undated *affidavit* in which the applicant describes his attempts to apply for legalization during the actual filing period of May 5, 1987 to May 4, 1988.

The one-page "CSS v. Reno" fact sheet submitted by the applicant was issued by the Service in order to provide information and guidance regarding the ramifications of the CSS legalization class-action lawsuit. The submission of this instructional leaflet does *not* establish that the applicant has filed a timely claim for class membership.

The Legalization Questionnaire bears the applicant's "live" signature in ink. Thus, this is an original document and not 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.

The Form I-687 application was purportedly completed February 24, 1988. This date would have been well within 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.

In response to the notice of intent to deny issued on May 30, 2003, the applicant provided photocopies of previously submitted documentation, as well as photocopies of five bank money orders, two for \$50.00 and the remainder for \$120.00, \$185.00, and \$255.00, respectively, all of which are made payable to the Service. However, all of the money orders are dated January 31, 2003, a date that appears to relate to the filing of the applicant's LIFE Act application on February 7, 2003, rather than any claim to class membership purportedly made by the applicant prior to October 1, 2000. Consequently, such money orders cannot be considered as evidence that the applicant filed a written claim for class membership in any of the requisite legalization class-action lawsuits prior to such date.

On appeal, the applicant asserts that he filed a Legalization Questionnaire with the Service's Washington D.C. office on December 17, 1999, but that he never received a response. The applicant contends that he also subsequently sent a letter of inquiry regarding his claim to class membership to the Service's Vermont Service Center and that he received a response informing him that the Service had no record that he filed such a claim. However, the applicant failed to provide independent evidence such as postal receipts, correspondence, or receipt notices from the Service that would demonstrate that the applicant made a claim to class membership in any of the requisite legalization lawsuits prior to October 1, 2000.

The applicant also contends that he qualifies for LIFE legalization because attempted to file a legalization application during the initial application period from May 5, 1987 to May 4, 1988, but was told that he did not qualify. 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, 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 also references an A-file number, A93 612 508, that relates to a Form I-700 special agricultural worker application that had been filed with the Service's Cleveland, Ohio District Office on December 21, 1992. This special agricultural worker application was subsequently rejected on February 3, 1994. An application for special agricultural worker status does not constitute an application for class membership in any of the legalization class-action lawsuits. Furthermore, section 1104 of the LIFE Act contains no provision allowing for

the reopening and reconsideration of a timely filed and previously denied application for temporary resident status as a special agricultural worker under section 210 of the INA.

The record reflects all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership in a timely manner. Such check included the separate A-files [REDACTED] and [REDACTED], relating to the previously discussed Form I-700 special agricultural worker application, and A93 422 748, which was assigned to the applicant when he submitted his Form I-485 LIFE Act application on February 7, 2003. All of these A-files have now been consolidated into the current record of proceedings. 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 ineligibility.