

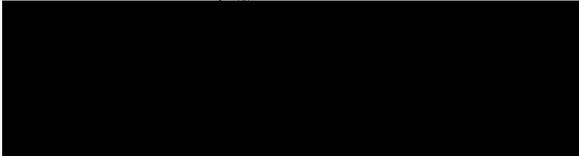
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U.S. Department of Homeland Security  
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U.S. Citizenship  
and Immigration  
Services

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FILE:



Office: NATIONAL BENEFITS CENTER

Date: MAR 03 2005

IN RE:

Applicant:



PETITION: 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). In addition, the applicant states that he qualifies for LIFE legalization because he filed his legalization questionnaire prior to the deadline which, according to the applicant is February 2, 2001, not October 1, 2000.

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 October 26, 1987;
- a Legalization Questionnaire dated May 21, 2000;
- 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 Form I-687 application was purportedly completed October 26, 1987. 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 addition, it is clearly evident that the Form I-687 application was prepared well after October 26, 1987, as the applicant listed his membership in a specific Catholic Church parish in Hanover Park, Illinois beginning in March 1999, at part #34 of the Form I-687 application where applicant's were asked to list all affiliations or associations with clubs, organizations, unions, businesses, etc.

In addition, had the applicant actually filed a Legalization Front-Deskling Questionnaire with CIS on May 21, 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 this document prior to the filing of his LIFE Act application on June 3, 2002. In fact, no CIS file was ever created in the name of the applicant until he filed this LIFE Act application on this date.

On appeal, the applicant asserts that he filed a Legalization Questionnaire with the Service's Vermont Service Center (VSC) prior to the deadline that, he claims, is February 2, 2001, not October 1, 2000. The applicant includes a photocopied set of instructions to the Legalization Questionnaire. The questionnaire and deadline referred to are related to a separate program designed to identify applicants who attempted to apply for legalization during the period of May 5, 1987 to May 4, 1988, but whose applications were rejected or "front-desked." Under this program, the questionnaire was reviewed by the VSC 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 residence, with the Texas Service Center. The application was then adjudicated as though filed during the initial filing period.

Submitting a questionnaire to the VSC under this program is not the equivalent of filing a written claim to class membership under one of the LIFE Act related lawsuits, nor does it alter the requirement that the written claim must have been filed prior to *October 1, 2000*, as stated in 8 C.F.R. § 245a.10.

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.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.