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

LA

FILE:



Office: NATIONAL BENEFITS CENTER

Date: **FEB 22 2006**

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. Any further inquiry must be made to that office.

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 claims to have sent a request for class membership to the U.S. Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS) prior to October 1, 2000.

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, the applicant included: 1) a Form I-687 Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act, dated March 28, 1988; 2) copies of two money orders dated May 29, 2003, as evidence that a Form I-687 application and a Form FD-258 had been filed; 3) a Legalization Questionnaire dated February 12, 2000; 4) an undated affidavit that described his purported attempts to apply for legalization during the actual filing period of May 5, 1987 to May 4, 1988; 5) documentation to establish his identity; and 6) documentation to establish his residence in the United States.

The documentation presented to establish the applicant's identity and residence does not constitute that the applicant filed a timely written claim to class membership prior to October 1, 2000. Further, because the money orders were dated subsequent to the requisite period in which to submit the Form I-687 application, they have no probative value or evidentiary weight.

In response to a Notice of Intent to Deny issued on March 3, 2004, the applicant submitted copies of documents that were previously provided along with the Legalization Questionnaire, which bear a "live" signature in ink. Hence, the questionnaire is an original document, rather than a photocopy of what the applicant is claiming he had submitted in the past. If the applicant had actually submitted this document prior to October 1, 2000, it would be in the possession of CIS, and the applicant would only have a photocopy to furnish now in this LIFE proceeding. There is no record of CIS receiving the questionnaire or the Form I-687 application prior to the submission of the applicant's LIFE Act application on June 2, 2003. Moreover, the fact that the legalization questionnaire is an original document only serves to undermine the credibility of his claim to have ever submitted this form to CIS.

On appeal, the applicant presents a letter pertaining to another individual issued by the Vermont Service Center. This letter, however, pertains 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 Vermont Service Center to determine whether the front-desking claim was valid. Submitting a questionnaire to the Vermont Service Center 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. Nevertheless, it must be noted that each individual case is ultimately decided on its own merits and based on its own record of proceeding.

It must be noted that the applicant is one of many aliens whose LIFE applications were prepared by [REDACTED] an immigration consultant in Chicago. Although he has also signed the appeals, Mr. [REDACTED] is not an accredited representative or otherwise authorized to represent aliens in proceedings before CIS pursuant to 8 C.F.R. § 292.2.

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.