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20 Mass. Ave., N.W., Rm. A3042  
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U.S. Citizenship  
and Immigration  
Services

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FILE:



MSC 03 227 60874

Office: NATIONAL BENEFITS CENTER

Date: JUN 12 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.

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

Robert P. Wiemann, Chief  
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, "there were no certified mail requirements for me to prove that my documents were recieved [sic] on timely basic [sic] to qualify for the Act. I attempted to file for the amnesty early on but I was refuse the right to do so. My rights were misrepresented to me."

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 LIFE application, the applicant submitted: 1) a Legalization Front-Desking Questionnaire purportedly signed by the applicant on September 20, 2000; 2) a Form I-687, Application for Status as Temporary Resident under section 245A of the Immigration and Nationality Act (the Act), purportedly signed by the applicant on February 8, 1988; 3) a typewritten statement bearing the letterhead of The Congress of Racial Equality (CORE) purportedly signed by the applicant on February 8, 1988 in which he declared that he had been informed by this organization that he was not eligible to file a legalization application for temporary residence under section 245A of the Act, but that it was still his intent to file the legalization application with the legacy Immigration and Naturalization Service; 4) a Form for Determination of Class Membership in *CSS vs. Meese* questionnaire purported signed by the applicant on November 7, 1989; 5) documentation to establish his identity; and 6) documentation to establish his residence in the United States.

In response to the Notice of Intent to Deny issued on July 11, 2003, the applicant submitted photocopies of documents that were previously provided along with the Form I-687 application completed and signed in ink. As such, the Form I-687 application 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 the Form I-687 application prior to October 1, 2000, it would be in the possession of Citizenship and Immigration Services (CIS), and the applicant would only have a photocopy to furnish now in this LIFE proceeding. An examination of CIS records fails to disclose any evidence of this applicant having previously filed such application.

The documentation presented to establish the applicant's identity and residence does not establish that the applicant filed a timely written claim to class membership prior to October 1, 2000.

On appeal, the applicant claims that he attempted to file a legalization application for temporary resident status, but was told that he was not eligible by the qualified designated entity (QDE), CORE. While the applicant may have been front-desked (informed that he was not eligible for legalization) by a QDE when he attempted to file a legalization application, this action alone does not equate to having filed a written claim for

in any of the requisite legalization class-action lawsuits. Furthermore, the applicant has never claimed that he subsequently either attempted to or in fact filed the legalization application and related documents with the legacy Immigration and Naturalization Service, now Citizenship and Immigration Service (CIS) in the interim period up until the filing of his LIFE application.

The questionnaire submitted relates 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 (VSC) to determine whether the front-desking claim was valid. There is no record of VSC receiving this document. 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.

The Form for Determination of Class Membership could possibly be considered as evidence of having made a written claim for class membership; however, it does not include an Alien Registration Number (A-number, or file number) for the applicant, as required in 8 C.F.R. § 245a.14(b). In addition, the Form for Determination of Class Membership does not indicate the issuing office or include the signature of any CIS officer. Furthermore, there is no record of CIS receiving any of the documents listed above prior to the submission of the applicant's LIFE application on May 15, 2003.

The record reflects that all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership in a timely manner. 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.