



U.S. Citizenship
and Immigration
Services

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

L2



FILE: MSC 03 239 63394

Office: NATIONAL BENEFITS CENTER

Date: JUN 14 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 he attempted to file his application during the amnesty period, but was refused. The applicant states, "there was also no requirement for registration for the class membership, and therefore I did not register." The applicant requested that his application be reconsidered.

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) an unsigned Form I-687, Application for Status as Temporary Resident under section 245A of the Immigration and Nationality Act, purportedly dated December 14, 1987; 3) a Form for Determination of Class Membership in *CSS vs. Meese* questionnaire purportedly signed by the applicant on February 22, 1988; 4) documentation to establish his identity; and 5) documentation to establish his residence in the United States.

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 asserts that he attempted to file a legalization application for temporary resident status, but was told that he was not eligible by a qualified designated entity (QDE). 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 class membership 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 remaining documentation could possibly be considered as evidence of having made a written claim for class membership, however, neither the Form for Determination of Class Membership nor the Form I-687 application includes an Alien Registration Number (A-number, or file number) for the applicant, as required in 8 C.F.R. § 245a.14(b). 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 27, 2003. In addition, the Form for Determination of Class Membership does not indicate the issuing office or include the signature of any CIS officer. As such, the photocopied documents the applicant has submitted cannot be authentic.

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.