

PUBLIC

U.S. Department of Homeland Security

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Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street, N.W.
Washington, D.C. 20536

[REDACTED]

FILE: [REDACTED]

Office: NATIONAL BENEFITS CENTER

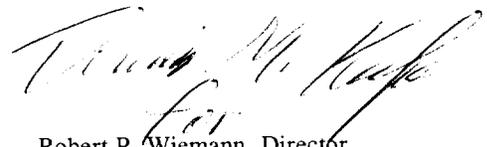
Date: DEC 01 2003

IN RE: APPLICANT: [REDACTED]

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).

IN BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS: Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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, Missouri Service 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 states that although he did not file for class membership with the appropriate fee, he mailed his claim within the time required.

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

In support of his application, the applicant submitted a Form for Determination of Class Membership in *CSS v. Meese* dated February 1989 and a Legalization Front-Deskling Questionnaire dated September 15, 2000. However, as the documents are originals, completed in ink, they cannot be copies of documents completed and submitted to Citizenship and Immigration Services (CIS) in 1989 and 2000 respectively. It appears the documents were recently completed and back-dated.

On rebuttal, the applicant furnished a personal letter and a copy of a letter from CIS's Vermont Service Center. The applicant also resubmitted photocopies of the form for determination and the questionnaire originally provided in support of his application. In his letter, the applicant listed the documentation he was providing and stated that if necessary he would produce sworn affidavits from individuals who have knowledge of his attempts at obtaining legalization status. According to the applicant, he has no proof of mailing his documents because they were sent by regular mail.

The letter from the service center dated June 1, 1992 informs the applicant that his application is pending, awaiting the outcome of litigation. However, the letter does not identify the application that was filed or the nature of the litigation or that the application or litigation pertains to a claim for class membership. As a result, this document is not sufficient evidence of a claim for class membership. It is also noted that the applicant does not explain why, if this letter were truly in his possession the entire time, he did not submit it with his LIFE application, as applicants were advised to provide evidence with their applications.

The applicant has not provided any evidence regarding a claim for class membership on appeal. Given his failure to document that he filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

In addition, it should be noted that the applicant indicated on his Form I-485 LIFE Application that he last entered the United States on December 3, 1987. Pursuant to 8 C.F.R. § 245a.11(b), each applicant must demonstrate that he or she entered the United States prior to January 1, 1982. The applicant offers no evidence of any earlier entry into this country. It appears that the applicant is unable to meet this requirement as well.

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