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U.S. Department of Homeland Security
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Washington, DC 20536

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: National Benefits Center Date: APR 13 2004

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).

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. 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, Missouri Service Center. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the record did not establish the applicant had applied for class membership in one of the requisite legalization class-action lawsuits before October 1, 2000 and, therefore, denied the application.

On appeal, the applicant asserts that he "file[d] in time the claim questionnaire before October 1, 2000," and resubmits a photocopy of a Legalization Questionnaire bearing the applicant's signature and the date May 13, 2000.

The appeal was filed on behalf of the applicant by who filed a Form G-28, Notice of Appearance as Attorney or Representative. Mr. knowledged on the form that he is neither an attorney nor an accredited representative (within the meaning of 8 C.F.R. § 292.1), but stated that he was an "immigration consultant for over 30 years." As specified in 8 C.F.R. § 292.1(a)(3)(ii), an applicant may be represented by "[a]ny reputable individual of good moral character, provided that [h]e is appearing without direct or indirect remuneration and *files a written declaration to that effect*." (Emphasis added.) No such written declaration has been filed in this case by cordingly, this decision will be sent only to the applicant.

An applicant for permanent resident status under section 1104 of 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 one 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* section 1104(b) of the LIFE Act and 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 his LIFE application the applicant identified the *CSS* as the basis of his eligibility for "LIFE legalization," but did not submit any documentary evidence that he filed a claim for class membership in that lawsuit. In response to the director's Notice of Intent to Deny the applicant submitted a photocopy of a "Legalization Questionnaire," signed by him and dated May 13, 2000, in which he asserted that he attempted to file an application for legalization (Form I-687) under the Immigration Reform and Control Act of 1986 ("IRCA") at an Immigration and Naturalization (INS) office on June 23, 1987. According to the applicant, the INS officer told him he did not qualify and returned all of his documents. On the questionnaire the applicant asserted that he again attempted to submit his documents on October 30, 1993, but once again had them returned by the INS "with the excuse that CSS is not (*sic*) longer available." The applicant also wrote on the questionnaire that "I send you copy of the letter." The applicant contends that the Legalization Questionnaire constitutes a claim for class membership in *CSS* prior to October 1, 2000, as required under section 1104(b) of the LIFE Act.

The applicant's evidence of a timely filed claim for class membership is less than persuasive. Citizenship and Immigration Services (CIS), successor to the INS, has no record of receiving the Legalization Questionnaire from the applicant in May 2000. The applicant has not furnished any evidence, such as a postal receipt or an acknowledgement letter from the agency, that the questionnaire was actually sent to INS in May 2000, as alleged, or any time prior to October 1, 2000. The applicant's A-file was created on March 9, 1999, and any

submission from him after that date would almost certainly have been forwarded to his file. CIS has no record of receiving the questionnaire until December 13, 2002, however, as part of the applicant's response to the Notice of Intent to Deny. Moreover, the applicant has not explained why, if he had a photocopy of the questionnaire since May 2000, he did not submit it with his LIFE application, instead of waiting until the director had issued his Notice of Intent to Deny. Applicants were instructed to provide qualifying evidence with their applications, and the applicant in this case did include other documentation with his application.

Based on the entire record, it is concluded that the Legalization Questionnaire was not submitted to the INS before October 1, 2000, as required under section 1104(b) of the LIFE Act to constitute a timely, and therefore legally valid, claim for class membership in *CSS*.

As previously mentioned, the applicant referred in the questionnaire to a letter he received from the INS in connection with his alleged second attempt to file an I-687 application in 1993. He wrote in the questionnaire that he was submitting a copy of the letter. CIS (INS) has no record of sending a letter to the applicant in 1993, however, or of receiving a copy of such letter from the applicant in 2000. The applicant has not provided a copy of the letter, or any evidence of its existence, during this proceeding.

For the reasons discussed above, the applicant has failed to establish that he filed a written claim for class membership in *CSS* before October 1, 2000, as required to be eligible for legalization under section 1104(b) of the LIFE Act.

Accordingly, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

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