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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 21 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:

[Redacted]

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 applicant had not established 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, counsel asserts that the applicant applied for class membership in the *CSS/LULAC* lawsuit, *infra*, by filing a Form I-687 at an INS (Immigration and Naturalization Service) office in Houston, Texas, in late November 1991, at which time he allegedly received his A-number [REDACTED]. Counsel asserts that the Form I-687 constitutes sufficient evidence under 8 C.F.R. § 245a.14 of the applicant's timely claim for class membership because it contains his name and a date (May 4, 1991) prior to October 1, 2000. Counsel also asserts that the absence of an A-number on the form should not be held against the applicant because the INS assigned his A-number at the time of alleged filing in November 1991.

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.

When he filed his LIFE application in March 2002 the applicant neither asserted, nor submitted any documentary evidence, that he had filed a claim for class membership in one of the legalization class-action lawsuits. In response to the director's Notice of Intent to Deny the applicant submitted (1) a photocopied Form I-687 (application for status as a temporary resident under section 245A of the Immigration and Nationality Act), bearing the applicant's signature and the date May 4, 1991, and (2) an affidavit from the applicant, dated October 11, 2002, in which he asserted that he "applied for *CSS/LULAC* class membership" in the last week of November 1991. In his affidavit the applicant stated that he had an 8:00 a.m. appointment at the INS office in Houston, Texas, that he went there with his attorney and was told the INS would send him another appointment date, but that "I never received another appointment." On appeal counsel resubmitted the Form I-687 and the applicant's affidavit.

Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service (INS), has no record of receiving any I-687 form from the applicant in 1991. The applicant has not submitted any written evidence, such as an acknowledgement letter from INS, that the I-687 form was actually submitted in 1991. Nor has any other documentary evidence been submitted of a claim for class membership in *CSS* and/or *LULAC* before the statutory deadline of October 1, 2000. In fact, CIS (INS) has no record of any communication from the applicant until March 2002, when the applicant filed his LIFE application on Form I-485. That was long after the statutory deadline of October 1, 2000, to file a claim for class membership in one of the legalization lawsuits. Moreover, CIS (INS) has no record of receiving the I-687 form until September 17, 2002, as part of the applicant's response to the Notice of Intent to Deny.

As the director pointed out in his Notice of Decision, CIS (INS) has no record of issuing an interview notice to the applicant in 1991, or of actually interviewing the applicant in Houston that year. Nor did INS issue the applicant's A-number [REDACTED] in 1991, as alleged. The applicant was not assigned that A-number

until March 29, 2002, right after his LIFE application (Form I-485) had been received. That was a year and a half after the deadline to file a claim for class membership in one of the legalization lawsuits.

The evidence of record, therefore, fails to establish that the applicant filed a written claim for class membership in *CSS*, *LULAC*, or the other legalization lawsuit, *Zambrano*, prior to October 1, 2000, as required 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.