

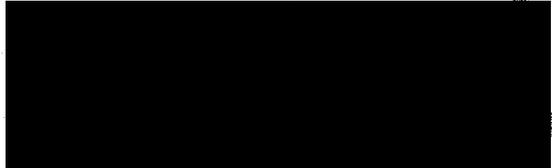
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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



**U.S. Citizenship
and Immigration
Services**



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FILE: [Redacted]

Office: National Benefits Center

Date: **AUG 03 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 office that originally decided your case. 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, 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 states that he believes the denial of his application was unjust and that the reasons for the denial were unfounded. The applicant resubmits documents for consideration and requests that his application be approved.

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. Furthermore, those regulations require Citizenship and Immigration Services (CIS) to determine whether an alien filed a written claim for class membership as reflected in CIS indices and administrative files.

With his LIFE application, the applicant submitted:

- a photocopy of a Form I-687 Application for Status as a Temporary Resident under section 245A of the INA allegedly signed by the applicant on August 10, 1988;
- a photocopy of a "Legalization Front-Deskling Questionnaire," purportedly signed by the applicant on May 25, 2000, in which he asserted that he went to an agency in Queens, New York in 1987 to find out about the process, that he filled out an application, paid \$30 for agency fees and \$185 for a money order "for Immigration" and mailed it to Vermont; and

In response to the director's notice of intent to deny, the applicant submitted a photocopy of a LULAC Class Member Declaration purportedly signed by that applicant on August 10, 1990. On appeal, the applicant resubmitted the Form I-687, the legalization front-desking questionnaire, the LULAC class member declaration and a photocopied G-56 appointment notice with no date or official signature block from the Legalization office in Paterson, New Jersey requesting that he attend a legalization interview. The applicant failed to explain *why*, if he truly had the LULAC Class Member Declaration and appointment notice all along, he did not submit them with his LIFE application as instructed.

CIS, successor to the Immigration and Naturalization Service (INS), has no record of receiving any of the above three documents or of sending him an appointment notice until the instant LIFE application was filed on December 23, 2002. To be eligible for permanent resident status under section 1104(b) of the LIFE Act the applicant must show that after failing to file during the May 5, 1987 and May 4, 1988 period, he filed a claim for class membership in one of the legalization lawsuits sometime before October 1, 2000. The applicant has not furnished any evidence, such as a postal receipt or an acknowledgement letter from the INS, that the above forms were filed with the INS on a date before October 1, 2000. As indicated above, CIS has no record of receiving any of these three documents from the applicant until the instant LIFE application was filed in December 2002, long after the statutory deadline to file a claim for class membership one of the legalization lawsuits.

The applicant has furnished no further evidence on appeal that any of the three documents discussed above were filed with the INS before October 1, 2000. Thus, none of them can be considered evidence of a timely, and therefore legally valid, claim for class membership. Accordingly, the applicant is ineligible for permanent resident status under section 1104(b) the LIFE Act.

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