



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

AUG 10 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

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prevent identity unwarranted
invasion of personal privacy

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 (AAO) 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 that he submitted a written claim for class membership prior to October 1, 2000. The applicant indicates that he will submit documentation to corroborate this assertion once it provided to him through a prior Freedom of Information Act request. However, as of the date of this decision, the applicant has failed to submit a statement, brief, or evidence to supplement his appeal. Therefore, the record must be considered complete.

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

The applicant indicated that he attempted to file a legalization application for temporary residence under section 245A of the Immigration and Nationality Act (INA), but was told that he was not eligible by an employee of the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS). In support of this claim, the applicant submitted a two affidavits signed by M.S. Ullah and Clifton Green, respectively. The applicant also included photocopies of the following documents with his LIFE Act application:

- a Form I-687 legalization application that is signed by the applicant and dated May 18, 2003;
- a "Form for Determination of Class Membership in *CSS v. Meese*" that is signed by the applicant and dated May 18, 2003, and;
- a Legalization Front-Desking Questionnaire that is signed by the applicant and dated May 18, 2003.

These documents are listed in 8 C.F.R. § 245a.14 as examples of documents which may be furnished in an effort to establish that an alien had previously applied for class membership. However, all of the documents are dated May 18, 2003, a date subsequent to October 1, 2000, the statutory deadline for the filing of written claims for class membership in a legalization class-action action under section 1104 of the LIFE Act. While the applicant may have been front-desked (informed that he was not eligible for temporary residence) when he attempted to file a legalization application in the original application period from May 5, 1987 to May 4, 1988, this action alone does not equate to having filed a written claim for class membership in any of the requisite legalization class-action lawsuits. The applicant has not provided any evidence that he subsequently filed the legalization application and related documents with the Service or its successor CIS in the interim period up until the filing of his LIFE Act application on May 22, 2003.

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 document that he timely filed a 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.