



U.S. Citizenship  
and Immigration  
Services

52

[REDACTED]

FILE:

[REDACTED]

Office: National Benefits Center

Date:

AUG 25 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. All documents have 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

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

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**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Missouri Service Center. It was reopened and denied again by the Director, National Benefits Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The directors 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 he has provided the documentation that was available to him considering that he was a minor and had no control over the documents that were being handled on his behalf.

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.

The applicant did not submit any documents relating to class membership with the LIFE application. In response to the first Notice of Intent to Deny (NOID) dated August 30, 2002, he submitted a letter saying that he was including a copy of the document he submitted to the Los Angeles office in order to be included in the "class of CSS on September 9, 2002." However, a copy of that letter was not submitted for the record. On November 25, 2002, the applicant filed an appeal to a denial notice dated November 4, 2002. With that appeal, the applicant submitted a photocopy of a Form for Determination of Class Membership in *CSS v. Meese* allegedly signed by him on March 26, 1996.

In response to a second NOID dated July 28, 2003, the applicant resubmitted the form for determination of class membership and 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 March 26, 1996.

The applicant failed to explain *why*, if he truly had the form for determination of class membership and the Form I-687 all along, he did not submit them with his LIFE application as instructed.

Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service (INS), has no record of receiving the form for determination of class membership or the Form I-687 from the applicant until after the instant LIFE application was filed on March 29, 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. 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.