

12



U.S. Citizenship  
and Immigration  
Services



FILE:



Office: National Benefits Center

Date:

DEC 30 2004

IN RE:

Applicant:



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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director  
Administrative Appeals Office

**PUBLIC COPY**

**Identifying data deleted to  
prevent clearly 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 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 had submitted evidence to establish eligibility as a LIFE legalization applicant. He resubmits copies of documents that he has previously submitted and a copy of a notice requesting that he report to the Legalization Office in New York on July 16, 1992. The reason provided for the appointment was an "Interview to determine subclass membership" concerning the L.U.L.A.C. litigation. The applicant explains that he missed the appointment because he had moved on a permanent basis from New York to Philadelphia and that his roommate gave him the letter too late. He indicates that he contacted LULAC to notify them about his new address, but they said that he had to send a letter to the office in New York to transfer his case. He further states that he was afraid because he had always heard rumors that a person could get deported and so he left things like that, and never did anything else.

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 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)(CSS), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993)(Zambrano).

Pertinent regulations provide an illustrative list of documents that an applicant may submit to establish that he or she filed a written claim for 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.

Along with his LIFE application, the applicant provided a photocopy of a Form I-687 Application for Status as a Temporary Resident under section 245A of the INA allegedly signed by him on November 17, 1986. He also provided a photocopied Legalization Front-Desking Questionnaire allegedly signed by the applicant on February 20, 2000.

Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service (INS), has no record of receiving the applicant's Form I-687 or Legalization Front-Desking Questionnaire 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 a legalization application 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 these document 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.

In response to the director's notice of intent to deny, the applicant resubmits a copy of his Form I-687 and his Legalization Front-Desking Questionnaire and provides a photocopy of a "LULAC Class Member Declaration" allegedly signed by the applicant on June 27, 1990.

On appeal, the applicant submits a photocopy of a notice requesting that he report to the Legalization Office in New York on July 16, 1992. The reason provided for the appointment was an "Interview to determine subclass membership" with regard to the L.U.L.A.C. litigation.

The applicant does not explain *why*, if the declaration was in his possession the entire time, he did not submit it with his LIFE application, as applicants were advised to provide evidence *with* their applications. As was the case with the applicant's Form I-687, his Legalization Front-Desking Questionnaire and his LULAC Class Member Declaration, CIS has no record of receiving these document 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. Additionally, CIS has no record of having sent the appointment notice to the applicant.

The applicant has failed to submit documentation that credibly establishes that he filed a timely written claim for class membership in one of the aforementioned legalization class-action lawsuits. 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.