

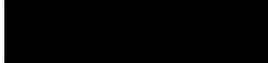


U.S. Citizenship
and Immigration
Services

12



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.

Robert P. Wiemann, Director
Administrative Appeals Office

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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:

The reason of this appeal is because I indeed entered the United States on July 14, 1980 without inspection through Sys. My application for Permanent Resident was not submitted on the time frame because an employee at the INS office in Los Angeles told me that I was not entitled to my residence because of a trip to Mexico in August, 1987.

On July, 2000 I filed a claim with Catholic Social Services. (a copy was sent to your office), but according to your records, such claim is not in your file. I would like to provide more proofs, but the lawyer who helped me with the paperwork is out of business. Again I think I qualified for this amnesty, I am a person of good moral character, with no criminal history.

Please, take this into consideration when you reach a decision about my case.

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 his LIFE application. In response to a notice of intent to deny, he furnished:

- 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 July 20, 1989; and
- a photocopy of a Form for Determination of Class Membership in CSS v. Meese allegedly signed by the applicant on July 1, 2000.

The applicant failed to explain why, if he truly had these documents 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 any of the above two documents from the applicant until the instant LIFE application was filed on October 15, 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 two documents from the applicant until the instant LIFE application was filed in October 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 either of the two documents discussed above was filed with the INS before October 1, 2000. Thus, neither 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.