



U.S. Citizenship  
and Immigration  
Services

LR

PUBLIC COPY

[REDACTED]

FEB 11 2006

FILE:

[REDACTED]

Office: National Benefits Center

Date:

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:

[REDACTED]

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. 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. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the record did not establish the applicant had applied for class membership in one 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 legalization questionnaire on August 9, 2000” indicating that he “had attempted to file [an] amnesty claim over a decade ago.”

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 one 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 section 1104(b) of the LIFE Act and 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.

In his LIFE application the applicant identified the *CSS v. Reno* lawsuit as the basis of his eligibility for “LIFE legalization.” The applicant submitted a photocopy of a “Legalization Questionnaire,” signed by him and dated August 9, 2000, in which he asserted that he filed, or attempted to file, an application for legalization under the Immigration Reform and Control Act of 1986 (“IRCA”), during the one year filing period between May 5, 1987 and May 4, 1988. The applicant contends that the questionnaire constitutes a claim for class membership in *CSS* prior to October 1, 2000, as required under section 1104(b) of the LIFE Act. The Legalization Questionnaire, however, focuses exclusively on IRCA and the applicant’s alleged filing, or attempted filing, of an application for legalization under that law. The questionnaire contains no references to the subsequent class-action legalization lawsuits, *CSS*, *LULAC*, and *Zambrano*, and the applicant did not indicate anywhere on the form that he intended to file a claim for class membership in *CSS*.

Even if the Legalization Questionnaire were to be viewed as a written claim for class membership, there is no record at Citizenship and Immigration Services (successor to the I.N.S.) that the applicant actually submitted the questionnaire before the October 1, 2000, filing deadline set in section 1104(b) of the LIFE Act. The applicant has submitted no evidence, such as a postal receipt or an acknowledgement letter from the agency, demonstrating that the questionnaire was completed and sent to the I.N.S. in August 2000, as alleged, or any time prior to October 1, 2000. The agency has no record of receiving the questionnaire until the instant LIFE application was filed on March 21, 2002.

The applicant has submitted no additional evidence on appeal. He simply reiterates his contention that he submitted his Legalization Questionnaire on August 9, 2000, referring to his attempted filing of an application for legalization under IRCA in the late 1980s. As discussed above, the Legalization Questionnaire does not mention *CSS* or the other two legalization lawsuits and, in and of itself, does not constitute a written claim for class membership in any of the lawsuits. Citizenship and Immigration Services has no record of receiving the applicant’s questionnaire before the filing deadline of October 1, 2000, in any event. Nor does an attempted filing (*i.e.*, “front-desking”) of an IRCA application in 1987 or 1988 constitute a written claim for class membership in one of the subsequent legalization class action lawsuits.

Thus, the record fails to establish that the applicant filed a written claim for class membership in *CSS*, or either of the other two legalization lawsuits, *LULAC* or *Zambrano*, before October 1, 2000, as required under section 1104(b) of the LIFE Act.

Furthermore, section 1104(c)(2)(B)(i) of the LIFE Act requires that the applicant have entered the United States before January 1, 1982, and resided in this country continuously in an unlawful status through May 4, 1988 to be eligible for legalization. As the record clearly indicates, however, the applicant first entered the United States in January 1988. Thus, the applicant did not enter the United States before January 1, 1982 and reside in this country unlawfully for the requisite time period of January 1, 1982 to May 4, 1988.

For the reasons discussed above, 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.