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U.S. Department of Homeland Security  
20 Mass. Rm. A3042, 425 I Street, N.W.  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

[REDACTED]

FILE:

[REDACTED]

Office: National Benefits Center

Date:

JUL 13 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

**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 applied for class membership with the Attorney General in the CSS/LULAC lawsuit. He further states that most of his documents, including Immigration and Naturalization Service (INS) correspondence in support of his claim as a class member are not in his possession as they were lost a few years ago. The applicant further states that he is making efforts to retrieve those documents and that when he has them in his possession, they will be submitted without delay.

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.

Along with his LIFE application, the applicant provided the following:

- an unsigned photocopy of a Form I-687 Application for Status as a Temporary Resident under section 245A of the INA dated February 10, 1993;
- a photocopy of a "Legalization Front-Desk Questionnaire," allegedly signed by the applicant on November 17, 1999 in which he asserted that he did not file an application for legalization under section 245A of the INA between May 5, 1987 and May 4, 1988 because he made an attempt to file but the INS officer "denied to accept" my application.
- a photocopy of a Form for Determination of Class Membership in *CSS v. Thornburgh (Meese)* allegedly signed by the applicant on February 10, 1993;
- a photocopied G-56 appointment notice from Richard D. Berryman of the INS dated September 23, 1991 purportedly scheduling an interview with the applicant concerning "Interview to determine class membership;" and

- a photocopied G-56 appointment notice from John Cappello of INS purportedly scheduling an interview with the applicant on February 25, 1994 concerning his "Interview to determine subclass membership."

Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service (INS), has no record of sending the interview notices to the application or receiving any of the above three documents from the applicant until the instant LIFE application was filed on January 31, 2003. 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 three documents were filed with the INS on a date before October 1, 2000. As indicated above, CIS has no record of receiving either the Form I-687, the determination of class membership form or the legalization front-desking questionnaire until the instant LIFE application was filed in January 2003, 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 photocopies of documents listed above and a signed copy of his Form I-687. He also provides an affidavit from a friend indicating that on February 10, 1993 his friend accompanied the applicant to an INS office. The affiant states that an INS officer declined to accept the applicant's legalization application because he had visited his family in Bangladesh after leaving the United States without advance parole and returned to this country without a visa and an inspection. Accompanying a friend to an INS office where that friend failed to submit documentation does not establish that the applicant filed a timely claim for membership in a class action lawsuit.

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.