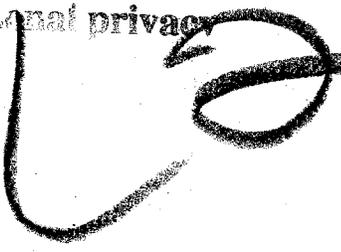


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invasion of personal privacy



U.S. Citizenship
and Immigration
Services



FILE:



Office: National Benefits Center

Date:

JUL 13 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

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 under the "program of CSS, I had the interviews and I feel I have proven to you that effect." The applicant further states that he has waited over twenty-three years to legalize himself and has worked in the country for all these years. He states that if Citizenship and Immigration Services (CIS) does not have a record that he applied, maybe it was misplaced. The applicant requests that his case be reconsidered and that his application be approved.

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. Furthermore, those regulations require Citizenship and Immigration Services (CIS) to determine whether an alien filed a written claim for class membership as reflected in CIS indices and administrative files.

The applicant did not submit any documents relating to class membership with his LIFE application or in response to the director's notice of intent to deny. On appeal, he furnished a "Corroborative Affidavit (CSS v Thornburg [sic])" dated September 27, 1990 from an acquaintance who attests to driving the applicant to Tijuana, Mexico on August 9, 1987. The affiant states that he later drove the applicant home to Pomona, California on August 21, 1987.

The applicant failed to explain *why*, if he truly had this document all along, he did not submit it with his LIFE application as instructed.

CIS, successor to the Immigration and Naturalization Service (INS), has no record of receiving the above corroborative affidavit from the applicant until the instant LIFE application was filed on November 22, 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 form was filed with the INS on a date before October 1, 2000. As indicated above, CIS has no record of receiving any of this document from the

applicant until the instant LIFE application was filed in November 2002, long after the statutory deadline to file a claim for class membership one of the legalization lawsuits. Thus, it cannot 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.