

**PUBLIC COPY**



**U.S. Citizenship  
and Immigration  
Services**

Identifying data deleted to  
protect the privacy of the individual  
named in this document



APR 20 2004

FILE:  Office: National Benefits Center Date:

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 forwards documentation for consideration.

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:

- 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 June 14, 1991; and
- the first page of a Form for Determination of Class Membership in *CSS v. Meese* or LULAC.

Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service (INS), has no record of receiving either of the above two documents from the applicant until the instant LIFE application was filed on February 25, 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 forms were filed with the INS on a date before October 1, 2000. As indicated above, CIS has no record of receiving either of these two documents from the applicant until the instant LIFE application was filed in February 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 a copy of his Form I-687, the first page of a Form for Determination of Class Membership in *CSS v. Meese* or LULAC and provides the following:

- two photocopied letters from [REDACTED] of the Immigration and Naturalization Service (INS), now Citizenship and Immigration Services (CIS) dated January 25, 1995, purportedly confirming that the applicant had filed for class membership in CSS, and informing him that no final decision had at yet been reached in that case;
- a photocopied notice dated June 14, 1991 from INS officer [REDACTED] indicating that the applicant is a member of the CSS or LULAC subclass and that employment authorization is granted.

On appeal, the applicant resubmits a copy of his Form I-687 and provides the following:

- a photocopied Form for Determination of Class Membership in CSS v. Meese or LULAC, which was allegedly signed by the applicant on June 14, 1991;
- a photocopy of a Form I-72 Notice from INS dated March 10, 1993, addressed to the applicant, indicating that he had failed to establish class membership under CSS/LULAC;

The applicant does not explain *why*, if the January 25, 1995 letter and the June 14, 1991 and March 10, 1993 notices were in his possession the entire time, he did not submit them with his LIFE application, as applicants were advised to provide evidence *with* their applications. It is noted that these photocopied documents are the same as what many aliens in Texas have provided. Those photocopies have been deemed to be suspect, and those aliens all filed frivolous appeals in which they failed to contest the finding of the director. The fact that he has submitted the *same* photocopied documents, as those previously determined to be suspect cannot be overlooked. Additionally, CIS has no record of having sent either the notices or letter 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.