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**U.S. Citizenship
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Services**

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FILE:



Office: National Benefits Center

Date: JUL 23 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 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.

On appeal, the applicant asserts that "I sent my class membership registration form to the INS."

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.

With his LIFE application (Form I-485) the applicant submitted photocopies of (1) a Form I-687, Application for Status as a Temporary Resident (Under Section 245A of the Immigration and Nationality Act), signed by the applicant and dated January 18, 1988, (2) a Form for Determination of Class Membership in *CSS v. Meese*, signed by the applicant and dated October 28, 1988, and (3) a "Legalization Front-Desking Questionnaire," signed by the applicant and dated September 25, 2000. Later, in response to the director's Notice of Intent to Deny, the applicant submitted the *originals* of all three documents.

The applicant has not submitted any evidence, such as postal receipts or acknowledgement letters from the Immigration and Naturalization Service (INS), that any of the foregoing documents were actually submitted to the INS before October 1, 2000, as required to be considered as evidence of a timely claim for class membership in one of the legalization lawsuits. In fact, INS (now Citizenship and Immigration Services, or CIS) has no record of receiving any of the three documents until January 10, 2003, when the instant LIFE application was filed. Moreover, the photocopies submitted with the LIFE application were supplemented, without explanation, by originals of the three documents six months later, on July 18, 2003. The submission of the originals in July 2003 casts even further doubt on the applicant's claim that any versions of the documents were actually submitted to the INS before October 1, 2000.

Thus, the applicant has failed to establish that any of the subject documents – the Form I-687 application, the CSS class membership determination form, or the Legalization Front-Desking Questionnaire – constitutes a timely claim for class membership in CSS, as required under section 1104(b) of the LIFE Act.

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.