



U.S. Citizenship  
and Immigration  
Services

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[Redacted]

FILE: [Redacted] Office: National Benefits Center Date: JUL 28 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

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prevent clearly unwarranted  
invasion of personal privacy**

**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 did apply "for the Lulac." He further states that Immigration and Naturalization Service (INS) told him that he could not apply because he had left the country without permission.

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 March 21, 1993; and
- a photocopied Form for Determination of Class Membership in CSS v. Meese or LULAC, which was allegedly signed by the applicant on March 21, 1993.

Citizenship and Immigration Services (CIS), successor to INS, has no record of receiving either of the above two documents from the applicant until the instant LIFE application was filed on January 30, 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 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 a copy of his Form I-687 and provides the following:

- a photocopied notice dated February 19, 1994 from INS officer Yolanda Rangel, indicating that the applicant is a member of the CSS or LULAC subclass and that, after a second interview, employment authorization is granted; and
- a photocopied letter from James M. Bailey of INS 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.

The applicant does not explain *why*, if the notice and the letter 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 the Dallas area have provided. 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 notice 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.