



U.S. Citizenship
and Immigration
Services

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FILE:



Office: National Benefits Center

Date:

JUN 2 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 applicant had not established he had applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant asserts that, contrary to the findings of the Director, he filed an I-687 form with the Immigration and Naturalization Service (INS) on November 18, 1989 and a LULAC Class Member Declaration with the Vermont Service Center on June 29, 1992, and also submitted a "Front Desk Questionnaire," all of which show that he "made an attempt to submit a timely claim to class membership." The applicant resubmitted photocopies of the subject documents, which were already in the record, and requests that his case be reconsidered.

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.

Along with his LIFE application (Form I-485) filed in October 2002, the applicant submitted a declaration in which he asserted that he did not file a legalization application in 1987 because a Catholic charity in Philadelphia advised that he was ineligible, but that in November 1989 did file an application for a "work permit" at another charity office in Philadelphia. The applicant also submitted a photocopy of a Form I-687, Application for Status as a Temporary Resident (Under Section 245A of the Immigration and Nationality Act), bearing the applicant's signature and the date November 18, 1989. In response to the director's Notice of Intent to Deny, the applicant submitted photocopies of a LULAC Class Member Declaration, signed by the applicant and dated June 29, 1992, as well as a Legalization Questionnaire, signed by the applicant and dated July 3, 2000. These three documents are the same as those submitted on appeal. According to the applicant they prove he filed a claim for class membership in *LULAC* before the statutory deadline of October 1, 2000.

The applicant's evidence of a timely filed claim for class membership in *LULAC* is less than persuasive. The applicant has not submitted any evidence, such as postal receipts or acknowledgement letters from the INS, that the three documents were actually prepared and submitted to INS offices, as alleged, in November 1989, June 1992, and July 2000, respectively. The agency has no record of receiving any of the applicant's documents at those times, or any time before October 1, 2000. In fact, there is no record that the I-687 form was submitted to INS (now Citizenship and Immigration Services) until October 21, 2002, the date the applicant's LIFE application was filed. As for other two documents (the LULAC Class Member Declaration and the Legalization Questionnaire), there is no evidence they were submitted to CIS until March 18, 2003, in response to the Notice of Intent to Deny. Both of those dates were long after the statutory deadline of October 1, 2000, to file a claim for class membership in *LULAC* or the other two legalization lawsuits. See section 1104(b) of the LIFE Act. Moreover, the applicant has not explained why, if he had the three documents all along, he only submitted one of them his LIFE

application and waited until he received the Notice of Intent to Deny before submitting the other two. Applicants were instructed to provide qualifying evidence *with* their applications, and the applicant in this case did include other documentation with his application.

Based on the foregoing analysis, it is concluded that the photocopies of the I-687 form, the LULAC Class Member Declaration, and the Legalization Questionnaire submitted in this proceeding do not establish that originals thereof were submitted to INS in 1989, or 1992, or any other time prior to October 1, 2000. Thus, the record fails to establish that the applicant filed a timely written claim for class membership in *LULAC*, as required in 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.