



U.S. Citizenship
and Immigration
Services

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FILE:

Office: NATIONAL BENEFITS CENTER

Date JUN 09 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:

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, Missouri Service Center. It was reopened and denied again by the Director, National Benefits Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

In both decisions, the directors 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 of the initial decision, counsel for the applicant asserts that the applicant is eligible for permanent resident status under the LIFE ACT, having provided evidence establishing his having attempted to submit an application for legalization and, subsequently, having attempted to file a timely application for class membership in CSS-LULAC.

There is no response from counsel or from the applicant to the subsequent decision.

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.

On appeal from the initial decision, the applicant submits a personal statement in which he asserts that, on November 15, 1987, he had provided a completed a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA) to a private entity, the [REDACTED] in order that they, in turn, would submit the application for purposes of filing for legalization. According to the applicant, this agency accepted his application but, thereafter, failed to maintain contact with him. However, the applicant states that he is certain the application was filed by that agency. The applicant further asserts that subsequently, in February 2000, he again attempted to file an application for legalization with an unidentified qualified designated entity, but was informed that he was ineligible. According to the applicant, he nevertheless completed a Form I-687, which he then mailed to the agency. It is noted that attempting to assess the applicant’s statement is difficult as he frequently uses the acronyms “QDE” (or “qualified designated entity”) and “INS” or the Immigration and Naturalization Service (now, Citizenship and Immigration Services or CIS) interchangeably.

In support of his statement, the applicant submits photocopies of a business card from the Everest Agency, along with photocopied money order receipts dated February 16, 2000, payable to “US Immigration and Naturalization Service/Amnesty.” The applicant also provides four identically-worded affidavits in which the affiants attest to the applicant having filed an I-687 application for legalization prior to October 1, 2000.

Notwithstanding the applicant's personal statement and supporting documentation, there is no independent, corroborative evidence in the record, and no indication in CIS's electronic or administrative data records, to support the applicant's assertion that any I-687 application on his behalf was ever forwarded to, deposited with, or received by, this agency.

The applicant has, therefore, failed to submit evidence establishing that he filed a timely written claim for class membership in any of the aforementioned legalization class-action lawsuits. As such, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

Furthermore, under section 1104(c)(2)(B)(i) of the LIFE Act each applicant for permanent resident status must establish that he or she entered and commenced residing in the United States *prior to January 1, 1982*. On the applicant's G-325A Biographic Information Form, however, the applicant indicated that he resided in his native Poland from October 1956 until *April 1986*. Given the applicant's inability to meet the statutory requirement of residence in the United States since before January 1, 1982, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.