



U.S. Citizenship
and Immigration
Services

[Handwritten signature]

[Redacted]

FILE:

[Redacted]

Office: National Benefits Center

Date:

04/11/14

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 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.

[Handwritten signature]

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 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 and, therefore, denied the application.

On appeal, the applicant asserts that he attempted to file an application at Immigration and Naturalization Service (INS) offices, [REDACTED] in 1987 and 1995, respectively, but was turned away each time and told (in 1995) that "C.S.S. was canceled."

The appeal was filed on behalf of the applicant by [REDACTED] who filed a Form G-28, Notice of Appearance as Attorney or Representative. [REDACTED] acknowledged on the form that he is neither an attorney nor an accredited representative (within the meaning of 8 C.F.R. § 292.1), but stated that he was an "immigration consultant for over 30 years." As specified in 8 C.F.R. § 292.1(a)(3)(ii), an applicant may be represented by "[a]ny reputable individual of good moral character, provided that [h]e is appearing without direct or indirect remuneration and files a written declaration to that effect." (Emphasis added.) No such written declaration has been filed in this case by [REDACTED]. Accordingly, this decision will be sent only to the applicant.

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.

In his LIFE application (Form I-485) the applicant identified CSS as the basis of his eligibility for "LIFE legalization." Submitted along with the Form I-485 were photocopies of 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 July 20, 1987, and a "Legalization Questionnaire," signed by the applicant and dated March 19, 2000. In the Legalization Questionnaire the applicant asserted that he went to an INS office in Forest Park, Illinois, where he attempted to file an application for legalization under the Immigration Reform and Control Act of 1986 ("IRCA") but was rebuffed (*i.e.*, "front-desked") by the INS officer, and that he went again in December 1995 to an INS office in Chicago, Illinois, but was told by the INS officer that "C.S.S. was over."

The applicant appears to regard the Legalization Questionnaire, dated March 19, 2000, as a timely claim for class membership in CSS. However, Citizenship and Immigration Services (CIS), successor to the INS, has no record that the applicant actually submitted the questionnaire to the INS before October 1, 2000. The applicant has submitted no evidence, such as a postal receipt or an acknowledgement letter, demonstrating that the questionnaire was completed and sent to the INS in March 2000, as alleged, or any time prior to October 1, 2000. The same applies to the Form I-687. CIS has no record of receiving the document prior to October 1, 2000 and the applicant has not furnished any evidence, such as a postal receipt or an acknowledgement letter, that the document was submitted before that date. In fact, INS (CIS) has no record

of receiving either the Legalization Questionnaire or the Form I-687 until June 5, 2002, when the instant LIFE application was filed. That was long after the statutory deadline of October 1, 2000 to file a claim for class membership in *CSS* or one of the other legalization lawsuits, *LULAC* or *Zambrano*. Thus, the applicant has failed to demonstrate that the Legalization Questionnaire or the Form I-687 represents a timely filed claim for class membership in *CSS*.

On appeal the applicant submitted one new document – a photocopy of an INS form letter, dated October 10, 1996, with the handwritten entry “Please find enclosed your packet *CSS* as the program is no longer available.” The letter does not identify the addressee, however. Thus, there is no way to verify that the letter had anything to do with the applicant. Citizenship and Immigration Services (successor to the INS) has no record of sending any correspondence to the applicant in 1996, or of receiving any correspondence from him until the instant LIFE application was filed in June 2002. That was long after the October 1, 2000 deadline to file a claim for class membership in *CSS* or one of the other legalization lawsuits. Moreover, the applicant does not explain why, if the 1996 letter were truly in his possession the entire time, he did not submit it with his LIFE application in June 2002 (or even in response to the Notice of Intent to Deny), rather than with his appeal nearly a year later, in April 2003. Applicants were instructed to submit supporting documentation *with* their LIFE applications, and the applicant did submit other documentation with his Form I-485. Based on the foregoing analysis, AAO concludes that the INS form letter does not constitute credible evidence of a timely claim by the applicant for class membership in *CSS*.

For the reasons discussed above, the record fails to establish that the applicant filed a written claim for class membership in *CSS* before October 1, 2000, 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.