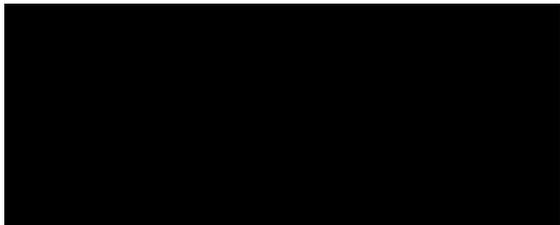


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U.S. Department of Homeland Security  
20 Mass. Rm. A3042, 425 I Street, N.W.  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services



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

IN RE: Applicant: [Redacted]

11/15/09

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

**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:

The Front-Desking questionnaire was obtained from a QED, and they advised on how to fill it. I do not recall that there were instructions from the INS.

As for my brief visit to Canada, that was the basis of being denied filing for IRCA. This explanation makes it seem that the Advance Parole rule is relevant even for the LIFE Act application.

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. Furthermore, those regulations require Citizenship and Immigration Services (CIS) to determine whether an alien filed a written claim for class membership as reflected in CIS indices and administrative files.

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 November 11, 1987;
- a photocopy of a "Legalization Front-Desking Questionnaire," allegedly signed by the applicant on September 11, 2000, in which he asserted that he did not file an application for legalization under section 245A of the INA between May 5, 1987 and May 4, 1988 because "I was informed by a clerk of the INS to see a QDE. I did that but I was refused and my application was given back to me." and
- a photocopy of a Form for Determination of Class Membership in *CSS v. Meese* allegedly signed by the applicant on August 8, 2000.

CIS, successor to the Immigration and Naturalization Service (INS), has no record of receiving any of the above three documents from the applicant until the instant LIFE application was filed on May 30, 2002. 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 three documents from the applicant until the instant LIFE application was filed in May 2002, long after the statutory deadline to file a claim for class membership one of the legalization lawsuits.

The applicant has furnished no further evidence on appeal that any of the three documents discussed above were filed with the INS before October 1, 2000. Thus, none of them can be considered evidence of a timely, and therefore legally valid, claim for class membership. Accordingly, the applicant is ineligible for permanent resident status under section 1104(b) the LIFE Act.

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