



U.S. Citizenship
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Services

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LA

MAR 11 2004

FILE:

[REDACTED]

Office: National Benefits Center

Date:

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:

[REDACTED]

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.

for
Robert P. Wiemann

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 applicant had not established 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, counsel asserts that the applicant attempted to file a written claim for class membership in 1991, but that a house fire in 1994 destroyed the applicant's documents. Counsel indicated that she was filing a freedom of information request with the INS (now Citizenship and Immigration Services, or CIS) seeking access to the applicant's INS file, and therefore requested 180 days in which to submit a brief and/or evidence in support of the application. One year after the appeal, however, no such brief or evidence has been submitted to the AAO.

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 the applicant stated that he was a class member of CSS, but provided no details or documentary evidence thereof. In response to the director's notice of intention to deny, the applicant wrote a letter to the Missouri Service Center, dated October 14, 2002, asserting that he went to the INS office in Brooklyn, New York, in 1991 to apply for class membership in CSS, but was told that he could not file the application because the case was in court. According to the applicant, he lost the documentation of his attempted claim in a house fire in July 1994. Along with the letter, the applicant submitted a Legalization Front-Desking Questionnaire, likewise dated October 14, 2002, in which he repeated his assertion that he attempted to apply for CSS class membership at the Brooklyn INS office in 1991.

No new evidence has been submitted on appeal with respect to the asserted claim for class membership. Thus, there are no materials in the record which document the applicant's purported attempt to file for class membership in 1991. The Legalization Front-Desking Questionnaire, though asserting that such an attempt was made in 1991, was prepared and submitted by the applicant in October 2002, which was two years after the statutory deadline of October 1, 2000, to file claims for class membership in one of the legalization lawsuits. CIS records do not reveal that any written claim for class membership was filed by the applicant before October 1, 2000.

Based on the evidence of record, therefore, it is concluded that the applicant has failed to establish that he filed a written claim for class membership in CSS, or either of the other two legalization lawsuits, 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.