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U.S. Department of Homeland Security
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Washington, DC 20536



U.S. Citizenship
and Immigration
Services

[REDACTED]

FILE: [REDACTED] Office: National Benefits Center Date: **MAR 24 2004**

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.

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, the applicant asserts that he "filed an application through a representative in Los Angeles (after having been "front-desked" on three occasions in New York). That application I-687 and I-690 seems to have been lost or shredded," the applicant contends. The applicant also refers to school records indicating that he was "below 12 credit course load" for one year, and states that he failed to submit change of address reports to the Immigration and Naturalization Service.

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.

The applicant submitted with his LIFE application photocopies of (1) a Form I-687, Application for Status as a Temporary Resident (Under Section 245A of the Immigration and Nationality Act), and (2) a Form I-690, Application for Waiver of Excludability (Sec. 245A or Sec. 210 of the Immigration and Nationality Act). Both photocopies bear the applicant's signature and the date October 9, 1990. According to the applicant, he filed both forms in October 1990 with the Immigration and Naturalization Service (INS) in Los Angeles and they constitute his written claim for class membership in *LULAC*. The record does not support the alleged time frame of the two forms. Citizenship and Immigration Services (CIS), the successor to INS, has no record of receiving the I-687 and I-690 forms in October 1990, even though the INS established a file for the applicant in 1989. Nor has the applicant provided persuasive evidence, such as a postal receipt or an acknowledgement letter, documenting that he actually sent the two forms to INS in 1990. In fact, there is no record that either form was submitted to INS (CIS) until the instant LIFE application was filed on October 1, 2001. That was one year after the statutory deadline of October 1, 2000 to file a written claim for class membership in *LULAC* or the other two legalization lawsuits.

Thus, the record fails to establish that the applicant filed a written claim for class membership in *LULAC* prior to October 1, 2000, as required under section 1104(b) of the LIFE Act. Since the applicant's appeal is dismissable on this ground alone, there is no need to address any other issues raised in the appeal.

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.