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



U.S. Citizenship
and Immigration
Services

FILE:

Office: National Benefits Center

Date: **MAR 24 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: 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 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 is eligible for class membership in *CSS*, *infra*, and submits photocopies of two documents – a Form for Determination of Class Membership in *CSS v. Meese* and an Affidavit of Circumstances – that were already in the record.

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 identified *CSS* as the basis of his eligibility for “LIFE legalization,” but submitted no supporting documentation. In response to the director’s notice of intent to deny, the applicant submitted photocopies of a Form for Determination for Class Membership in *CSS v. Meese* and an Affidavit of Circumstances relating to the claim of *CSS* class membership. Both documents bear the applicant’s signature and the date November 10, 1992. These are the same documents the applicant submitted on appeal, and according to the applicant they prove he filed a claim for class membership in *CSS* before the statutory deadline October 1, 2000.

The applicant’s evidence of a timely filed claim for class membership in *CSS* is less than persuasive. Neither the class membership determination form nor the affidavit bears evidence, such as the signature and date of a notary public, of having actually been prepared on November 10, 1992. The applicant has not submitted any evidence that the two documents were actually sent to the Immigration and Naturalization Service (INS) in November 1992, such as a postal receipt or an acknowledgement letter from INS, and the agency has no record of receiving the documents at that time. In fact, there is no record that either document was submitted to INS (now Citizenship and Immigration Services) until December 13, 2002, the date of the applicant’s response to the notice of intent to deny. That was long after the statutory deadline of October 1, 2000, to file a claim for class membership in *CSS* or the other two legalization lawsuits. See section 1104(b) of the LIFE Act. Moreover, the applicant has not explained why, if he had the two documents all along, he did not submit them *with* his LIFE application. Applicants were instructed to provide qualifying evidence with their applications, and the applicant in this case did include other documentation with his application.

Based on the foregoing analysis, it is concluded that the photocopies of the Form for Determination of Class Membership in *CSS v. Meese* and the Affidavit of Circumstances submitted in this proceeding do not establish that originals thereof were submitted to INS in 1992 or any time prior to October 1, 2000. Thus, the record fails to establish that the applicant filed a timely written claim for class membership in *CSS* in accordance with 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.