



U.S. Citizenship  
and Immigration  
Services

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[Redacted]

*LA*

MAY 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:

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*

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 was reopened and denied again by the Director, National Benefits Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

In both decisions, the directors 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 of the initial decision, the applicant asserted that the media failed to disseminate information apprising the public of the right of applicable aliens to apply for class membership in one of the requisite class-action lawsuits. The applicant further asserts that on the occasion of his appearance at his local Immigration and Naturalization Service (INS) legalization office to inquire about his status, an unidentified officer failed to inform him about the need to file a timely claim with the Attorney General.

The applicant does not respond to the subsequent decision.

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.

An examination of the record discloses that, prior to having submitted his LIFE Application on January 13, 2002, the applicant submitted a copy of a Legalization Front-Desk Questionnaire dated *October 16, 2000*. The applicant's questionnaire was received by Citizenship and Immigration Services' (CIS) Vermont Service Center on *November 8, 2000*. Pursuant to the above regulation, the applicant's questionnaire *cannot* be considered to have been timely filed, as the alien failed to demonstrate that he filed a written claim for class membership *prior to October 1, 2000* in order to qualify for late legalization under the LIFE Act.

In response to the notice of intent to deny, the applicant submitted a separate statement, indicating that upon visiting his local legalization office in March 1997, he was informed by an unidentified INS officer that the program never existed. Subsequently, on appeal of the initial decision, the applicant asserted that the media failed to provide information apprising the public of the right of applicable aliens to apply for class membership in one of the requisite class-action lawsuits. The applicant further asserts that on the occasion of his appearance at his local Immigration and Naturalization Service (INS) legalization office to inquire about his status, officers failed to inform him about the need to file a timely claim with the Attorney General.

However, the applicant's assertions that he was misinformed by unidentified INS officers as to the existence of the LIFE legalization program and as to the necessity of filing a timely claim with the Attorney General can be neither confirmed nor rebutted based on the record of proceedings. At the initiation of the LIFE Act, INS offices throughout the country, along with numerous private voluntary organizations, undertook

extensive efforts to disseminate information and provide widespread publicity informing aliens as to the specific procedures and requirements of the program, including the necessity of filing a written claim for class membership prior to the deadline of October 1, 2000. In any case, the burden of filing a timely application for class membership remains with the applicant.

The applicant has provided no documentation establishing his having filed a timely written claim for class membership in any of the aforementioned class-action legalization lawsuits. The applicant is, therefore, ineligible for permanent residence under section 1104 of the LIFE Act.

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