



U.S. Citizenship
and Immigration
Services

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 MAY 13 2004



FILE:  Office: National Benefits Center Date:

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 filed a claim for class membership in the CSS lawsuit before the deadline of October 1, 2000, and submits copies of some documentation that was 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.” The applicant submitted photocopies of (1) a Form I-687, Application for Status as a Temporary Resident under section 245A of the Immigration and Nationality Act (INA), signed by the applicant and dated September 27, 1987, (2) a “Legalization Questionnaire,” signed by the applicant and dated April 6, 2000, and (3) an affidavit, signed by the applicant but undated, “in connection with my application under section 245a and in the matter of classification under *LULAC vs. INS* or *CSS vs. Meese*.” In the affidavit the applicant asserts that he attempted to file his Form I-687, the first step in the legalization process under section 245A of the INA, at an INS office in Illinois on September 28, 1987, but was rebuffed by the INS officer, who returned the I-687 form to the applicant. In the Legalization Questionnaire the applicant asserts that he tried to file his I-687 form again in 1996, but once again an INS officer refused to accept it. None of these documents establishes that the applicant filed a claim for class membership in CSS, or either of the other legalization lawsuits, before October 1, 2000.

With respect to the Form I-687, if the Immigration and Naturalization Service (INS) refused to accept it both in 1987 and in 1996, as alleged, the original document would have remained in the applicant’s possession. In the instant proceeding, however, the applicant has twice submitted photocopies of the I-687 form, without any explanation of what became of the original. Most importantly, no evidence has been submitted, such as a postal receipt or an acknowledgement letter from the agency, that the form was filed with the INS at any time prior to October 1, 2000, as required to constitute a timely claim for class membership in one of the legalization lawsuits. In fact, Citizenship and Immigration Services (successor to the INS) has no record of receiving even a photocopied Form I-687 from the applicant until the instant LIFE application was filed on November 12, 2002. That was more than two years after the statutory deadline of October 1, 2000, to file a claim for class membership in CSS or one of the other legalization lawsuits.

As for the Legalization Questionnaire, though it was dated April 6, 2000, the applicant has submitted no evidence, such as a postal receipt or an acknowledgement letter from the agency, demonstrating that it was actually completed and sent to the INS in April 2000. The agency has no record of receiving the questionnaire until the instant LIFE application was filed on November 12, 2002. The same applies to the

affidavit, which was also received by the agency for the first time with the LIFE application on November 12, 2002. Thus, neither the questionnaire nor the affidavit was filed with the INS before October 1, 2000, as required to be considered as a timely, and therefore legally valid, claim for class membership in CSS.

The applicant has submitted no new evidence on appeal. Thus, the record fails to establish that the applicant filed a written claim for class membership in CSS, or either of the other two legalization lawsuits, *LULAC* or *Zambrano*, before October 1, 2000, as required for him to be eligible for legalization 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.