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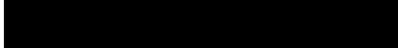
 MAY 13 2004



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

The directors 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 timely legalization questionnaire which constitutes a claim for class membership in the *CSS* lawsuit, *infra*.

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, filed on February 20, 2002, the applicant identified *CSS* as the basis of his eligibility for "LIFE legalization." A photocopy of a "Legalization Questionnaire," signed by the applicant and dated May 7, 2000, was submitted with the application. In the questionnaire the applicant asserted that he "file[d] an application for my legalization" during the initial one-year filing period in 1987-88 under the Legal Reform and Control Act of 1986 ("*IRCA*"), but was "disqualified" by an INS officer "due to my departure to Mexico [o]n three occasions." The applicant asserts that he prepared another application package in 1995 and attempted once again to file, but was told by an INS officer in the Chicago office "that *CSS* was canceled." According to the applicant, the INS officer "[did] not take my package with my documentation for the second time." Later, in response to the first and second Notices of Intent to Deny, the applicant submitted photocopies of (a) 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 December 6, 1995, and (b) a letter to the applicant from the Immigration and Naturalization Service, Nebraska Service Center, dated May 22, 2002, advising that the I-687 form was being returned because the INS was "not accepting Form I-687 applications . . . at this time." None of the foregoing 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, 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. The letter from the Nebraska Center, dated May 22, 2002, indicates that the photocopied I-687 had been submitted with the applicant's "LIFE Legalization" application (Form I-485) – *i.e.*, on February 20, 2002. That was nearly a year and a half after the statutory deadline 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 May 7, 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 May 2000. The agency has no record of receiving the

questionnaire until the instant LIFE application was filed in February 2002. That was nearly a year and a half after the statutory deadline to file a claim for class membership in *CSS* or one of the other legalization lawsuits.

The applicant has submitted no new evidence on appeal. For the reasons discussed above, therefore, 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.