

identifying data deleted to
prevent identity-related
invasion of personal privacy



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

[REDACTED]

FILE: [REDACTED]

Office: National Benefits Center

Date: MAY 19 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 requested that his case be reconsidered. Although the applicant indicated on the appeal form that he would be submitting a brief and/or additional evidence within 30 days, no such materials have been submitted up to the date of this decision.

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 support of his application, the applicant submitted a photocopy of a Legalization Front-Desking Questionnaire, dated January 29, 2001, in which the applicant asserted that he attempted to file an application for legalization in 1988 at an Immigration and Naturalization Service (INS) office in New York City, but that his papers were subsequently returned to him. The applicant’s file does include the *original* of the front-desking questionnaire, which was stamped as received by the INS, Vermont Service Center, on February 1, 2001. In order to qualify for late legalization under the LIFE Act, however, an alien must demonstrate that he or she filed a written claim for class membership in one of the class-action legalization lawsuits prior to October 1, 2000. The applicant’s Legalization Front-Desking Questionnaire, therefore, does not constitute a timely claim for class membership in one of the legalization lawsuits.

The applicant has submitted no other evidence that he filed a claim for class membership in one of the legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, before October 1, 2000. Nor does Citizenship and Immigration Services, successor to the INS, have any record of a class membership claim filed by the applicant before October 1, 2000. Thus, the record fails to establish the applicant’s eligibility for legalization under section 1104(b) of the LIFE Act.

Furthermore, under section 1104(c)(2)(B) of the LIFE Act an applicant must establish that he or she entered the United States before January 1, 1982 and resided in this country continuously in an unlawful status through May 4, 1988. On his Legalization Front-Desking Questionnaire the applicant stated that “I have been living in the U.S. since 1987.” In his LIFE application (Form I-485) the applicant gave his “date of last arrival” as January 14, 1986. There is no evidence in the record that the applicant was in the United States before 1986. In particular, there is no evidence that the applicant satisfies the statutory requirement of having entered the United States before January 1, 1982 and resided in this country continuously (and unlawfully) from before January 1, 1982 through May 4, 1988.

For the reasons discussed above, the applicant has failed to establish his eligibility for permanent resident status under section 1104 of the LIFE Act.

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