



U.S. Citizenship  
and Immigration  
Services

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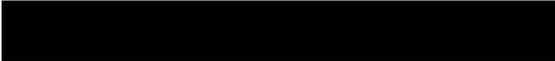


Office: NATIONAL BENEFITS CENTER

Date: SEP 02 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. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director  
Administrative Appeals Office

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prevent identity unwarranted  
invasion of personal privacy**

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director 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, the applicant asserts he is eligible for permanent resident status under the LIFE Act, and makes reference to having submitted documentation relating to a prior Form I-687 Application for Status as a Temporary Resident. The applicant submits copies of documents that were previously provided.

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.

Along with his LIFE application, the applicant submitted several affidavits from acquaintances attesting to his residence in the United States. The applicant also submitted a copy of a Form I-687 application under section 245A of the Immigration and Nationality Act (the Act) allegedly signed by the applicant on December 22, 1989. The applicant asserted that in December 1989, he went to an agency in Philadelphia who informed him that he qualified for the benefit being sought. The applicant further asserted that he paid the agency \$200.00, signed the application and was told that "they would take care of it."

In response to a Notice of Intent to Deny issued on March 6, 2003, the applicant submitted another copy of his Form I-687 application, evidence of his employment in the United States along with new and previously submitted affidavits from acquaintances attesting to the applicant's residence in the United States. The applicant also submitted the following:

- 1) a Form I-797 dated October 28, 2002 acknowledging receipt of a Form I-765;
- 2) a *LULAC* Class Membership Declaration signed by the applicant on May 13, 1992 indicating that he did not apply for legalization prior to May 4, 1988 because he had traveled outside of the United States and returned with a non-immigrant visa;
- 3) a Legalization Questionnaire signed by the applicant on May 15, 2000, indicating that he did not attempt to file an application or visit an Immigration and Naturalization Service Office between May 5, 1987 through May 4, 1988; and
- 4) a Form I-797 dated October 28, 2002 acknowledging the receipt of the Form I-485 application.

As previously mentioned by the director in his Notice of Decision, the affidavits from the acquaintances and evidence of employment may serve to establish the applicant's residency in the United States, but they do not establish that he had filed a timely written claim for class membership prior to October 1, 2000. In addition, there is no record that the Class Membership Declaration and Legalization Questionnaire were ever filed or were ever received by the legacy Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS).

Further, CIS has no record of receiving a Form I-687 application from either the applicant or the agency that was representing him. It is noted that at the time the applicant prepared his Form I-687 application, the eligibility period (May 5, 1987 through May 4, 1988) for filing said application under section 245A of the Immigration and Nationality Act (the Act) had expired.

Nevertheless, by the applicant's own admission, he did not attempt to file a Form I-687 application or visit an Immigration and Naturalization Service Office during the required period of May 5, 1987 through May 4, 1988. Given the applicant's inability to meet the requirement of a class action member, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

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