



U.S. Citizenship  
and Immigration  
Services

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FILE: [Redacted] Office: National Benefits Center

Date: SEP 23 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

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prevent clearly unwarranted  
invasion of personal privacy

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**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits 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 that the applicant applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000.

On appeal the applicant asserts that he attempted to apply for class membership in the *LULAC* class-action lawsuit, *infra*, in 1991 but was turned away ("front-desked") by the Immigration and Naturalization Service.

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.

As evidence that he attempted to file a claim for class membership with the Immigration and Naturalization Service (INS) the applicant points to affidavits he submitted from two individuals during this LIFE Act proceeding. [REDACTED] of West Palm Beach, Florida. [REDACTED] declared that "I went to the INS the same day as [the applicant]. I applied for *CSS* and he did apply for *LULAC*, but his application was not accepted." [REDACTED] declared that "I have known that [the applicant] went to the INS to apply for *LULAC*. But when he got back he told me that his application was not accepted." The director concluded that the affidavits failed to establish that the applicant filed a timely written claim for class membership, and the AAO agrees. It is difficult to assess the accuracy of the affidavits in describing an event that assertedly occurred more than a decade earlier. The affidavits provide virtually no details about the applicant's alleged "front-desking" and no information whatsoever about the time frame. In any event, the statute is clear that the applicant must have filed a *written claim* for class membership with the INS prior to October 1, 2000 in order to be eligible for legalization under section 1104(b) of the LIFE Act. Citizenship and Immigration Services (successor to the INS) has no record of receiving any such claim from the applicant, and the applicant has furnished no evidence that he filed such a claim. In his appeal the applicant refers to certain individuals who filed Legalization Front-Desking Questionnaires in October 1999, but there is no evidence in the record that any such questionnaire was filed by the applicant.

An applicant for permanent resident status under section 1104 of the LIFE Act must also establish that he or she entered the United States before January 1, 1982 and resided in this country continuously in an unlawful status from before January 1, 1982 through May 4, 1988. See section 1104(c)(2)(B)(i) of the LIFE Act and 8 C.F.R. § 245a.11(b).

The record clearly shows that the applicant, a native Guatemalan, first entered the United States in May 1991. Thus, the applicant did not enter the United States before January 1, 1982 and did not reside in this country continuously through May 4, 1988, as required under section 1104(c)(2)(B)(i) of the LIFE Act. Therefore, even if he had filed a timely claim for class membership in *LULAC*, the applicant would be statutorily ineligible for permanent resident status under the LIFE Act.

For the reasons discussed above, the applicant is ineligible for adjustment to permanent resident status under section 1104 of the LIFE Act.

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