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FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER Date: **AUG 23 2005**

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. 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

**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.

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 included: 1) a copy of a Legalization Front-Desk Questionnaire dated October 17, 2000; 2) a copy of a Form I-687 Application for Status as a Temporary Resident under section 245a of the Immigration and Nationality Act signed by the applicant on August 23, 1990; 3) documentation to establish his identity; and 4) documentation to establish his residence in the United States.

On appeal, the applicant claims in part:

...I registered my cases with LULAC on June 12, 1992. They gave me on an appointment to go for an interview on June 12, 1992. I went and I brought proofs, such as rent receipts, pictures, envelopes, and letters from different people. They asked me a couple of questions and told me that I qualified for LULAC. They filled out a "Declaration Form"; told me to sign it and gave me a copy. They also gave me a telephone number for LULAC and told me to be in touch with them regarding my case.

I came back to the United States on May 2000. I came without inspection again thru San Antonio, Texas. I contacted LULAC and they told me to fill out a Questionnaire. I mailed it back to their office on October 17, 2000.

The applicant submitted photocopies of: 1) a LULAC Class Membership Declaration purportedly executed on June 12, 1992; 2) an undated Form G-56 purportedly from the New York Office informing the applicant of an interview dated on June 12, 1992; 3) a Form I-797C relating to his LIFE application; 4) a Form I-797C relating to his employment application; and 5) documents previously provided.

The documentation presented to establish the applicant's identity and residence does not constitute proof that the applicant filed a timely written claim to class membership prior to October 1, 2000. The legacy Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS) has no record of the applicant attempting to or filing a Form I-687 application. In fact, there is no record of CIS generating any correspondence prior to the filing of the applicant's LIFE application. Pursuant to the aforementioned regulation, an alien would have to demonstrate that he or she had filed a written claim for class membership **prior to October 1, 2000** in order to qualify for late legalization under the LIFE Act. As such, the questionnaire submitted by the applicant does not meet the basic requirement for a timely written claim to class membership.

Given his failure to document that he filed a timely written claim for class membership, 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.