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U.S. Citizenship
and Immigration
Services

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FILE:



Office: Phoenix

Date: FEB 23 2005

IN RE:

Applicant:



PETITION: 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. 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 Acting District Director, Phoenix, and is now before the Administrative Appeals Office (AAO) 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 claims he had previously applied for class membership in the *CSS v. Meese* class-action legalization lawsuit, but was unsuccessful in this endeavor.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). 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. The 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 provided the following:

- An incomplete [missing page 3] Form I-687 Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act (INA), which is signed and dated May 1, 1991;
- An incomplete [missing page 2] Form for Determination of Class Membership in *CSS vs. Thornburgh*, which is also signed and dated May 1, 1991;
- a photocopy of an appointment notice dated June 10, 1991 reflecting that the applicant was to be interviewed on August 28, 1991 at the Immigration and Naturalization ((INS, now Citizenship and Immigration Services, or CIS) district office in Los Angeles, California, regarding the question of his eligibility for class membership in the *CSS vs. Thornburgh* class-action lawsuit; and
- an undated announcement notice from INS, with the applicant's name having been written in at the top of the correspondence, informing the applicant that INS has ceased to accept class membership application in *CSS v. Reno*.

These photocopied submissions provided by the applicant could be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. 245a.14(d). However, in this case, none of the documents submitted include a Citizenship and Immigration Services (CIS) Alien Registration Number (A-number) for the applicant. In addition, the Form I-687 and the determination form both bear "live" signatures in ink. As such, these forms constitute *original* documents, rather than photocopies of what the applicant is claiming he had submitted in the past. If the applicant had actually submitted these documents prior to

October 1, 2000, they would be in the possession of CIS, and the applicant would only have photocopies to furnish now in this LIFE proceeding. Moreover, an examination of CIS records fails to disclose any evidence of this applicant having previously filed such forms. In fact, no CIS file was ever created in the name of the applicant until he filed this LIFE application on March 4, 2002. Nor does the applicant attempt to explain why two of the four photocopied documents submitted in support of his application are incomplete and missing pages.

In response to the notice of intent to deny, the applicant submitted a form letter in Spanish from Our Lady of Guadalupe Catholic Church, indicating that the applicant registered in the parish in December 1994. However, this document fails to address the issue of whether or not the applicant filed a timely claim for class membership in CSS vs. Meese or any other legalization class-action lawsuit.

Given his failure to credibly establish having 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.