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U.S. Citizenship
and Immigration
Services

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FILE:



Office: NATIONAL BENEFITS CENTER

Date: JAN 04 2005

MSC-03-077-62268

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

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits Center, reopened, and denied again by said Director. The matter 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 from the initial Notice of Decision, the applicant asserts that he is eligible for permanent resident status under the LIFE Act. The applicant further asserts that his only evidence of applying for class membership is correspondence from Citizenship and Immigration Services (CIS).

The applicant has not addressed the subsequent Notice of Decision nor provided any evidence to overcome the director's findings.

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 only document the applicant submitted was a G-325A Biographical Information Form. This form does not establish that a timely written claim for class membership was filed prior to October 1, 2000. In response to the Notice of Decision that denied the applicant's application for employment authorization, the applicant submitted page one of a photocopied Form I-687 application.

CIS, however, 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 questionnaire and Form I-765 on February 8, 2001. Further, the applicant failed to respond to the Notice of Intent to Deny issued on December 22, 2001, which provided him an opportunity to submit evidence to establish that he applied for class membership prior to October 1, 2000.

On appeal, the applicant submitted a copy of a notice issued by the Vermont Service Center on January 28, 2002, which addressed the Legalization Front-Deskling Questionnaire dated January 31, 2001 by the applicant. 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.