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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529 - 2090

U.S. Citizenship and Immigration Services

L2

[redacted]

FILE: [redacted] Office: NATIONAL BENEFITS CENTER Date FEB 04 2010
MSC-03-203-61903

IN RE: [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:

[redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

Perry Rhew
Chief, Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the director of the National Benefits Center 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 submits a brief disputing the director's findings. The applicant has also submitted additional evidence on appeal.

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.

In support of his application, the applicant submitted an unfiled CSS questionnaire dated May 19, 1993, an unfiled Legalization Front-Desking Questionnaire dated July 5, 1999, and an unfiled I-687 dated November 30, 1987. The applicant also submitted evidence to establish his residence during the requisite period.

In response to a Notice of Intent to Deny issued on October 1, 2003, the applicant did not provide any additional evidence of having filed a timely written claim for class membership under one of the legalization class action lawsuits prior to October 1, 2000 as stated in 8 C.F.R. § 245a.10.

On appeal, the applicant submitted an unfiled CSS questionnaire dated May 17, 1991, an unfiled Legalization Front-Desking Questionnaire dated "02/07/200" (sic), a copy of a United States Citizenship and Immigration Services (USCIS) interview notice for a CSS/LULAC legalization interview, and copies of additional evidence to establish his residence during the requisite period.

First, information on the interview notice appears to have been altered and/or deleted to reflect the applicant as the addressee, and there is no address stated for the applicant. Therefore, this document has minimal probative value.

Secondly, since the two CSS questionnaires, the two Legalization Front-Desking Questionnaires, and the I-687 are *original* documents, it can be concluded that they were never filed or received

by the Texas Service Center. Moreover, the applicant does not explain *why*, if these applications were truly in his possession the entire time, he did not submit them with his subsequent LIFE application, as applicants were advised to provide evidence *with* their applications, or in rebuttal to the Notice of Intent to Deny.

Here, in the current proceeding, the applicant has not applied for class membership in a lawsuit but rather has applied directly to USCIS for permanent residence under the LIFE Act. The basic statutory requirement of having filed for class membership by October 1, 2000 must still be met in all LIFE cases, regardless of the other previously authorized administrative deadline established for filing questionnaires.

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.