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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services



LA

FILE:



Office: NATIONAL BENEFITS CENTER

Date: JUL 12 2004

IN RE:

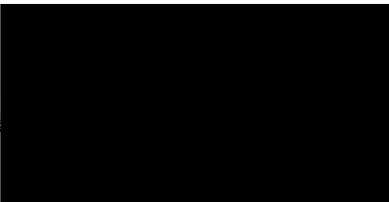
Applicant:



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:



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, counsel asserts that the applicant is eligible for permanent resident status under the LIFE Act. Counsel claims that the applicant has provided sufficient evidence to establish eligibility 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 a copy of: 1) his Form I-687 Application along with documentation to support the Form I-687 Application; 2) a Notice of Intent to Terminate and Termination regarding his temporary residence status; and 3) a Notice of Decision regarding the denial of his permanent residence status.

In response to a Notice of Intent to Deny issued on October 14, 2002, counsel provided a copy of a Form I-689, which informed the applicant of his scheduled legalization interview on October 27, 1988 pursuant to section 245A of the Immigration and Nationality Act (the Act). Counsel asserted that said form represents the applicant's "written claim with the Attorney General for class membership."

The record reflects that the applicant filed a timely Form I-687 Application on May 4, 1988 for temporary resident status under section 245A of the Act. The applicant was interviewed on October 27, 1988 and said application was subsequently approved. The applicant's temporary resident status was terminated on June 9, 1992. The applicant's Form I-698 Application to Adjust from Temporary to Permanent Resident was denied on July 23, 1992. The Form I-689 submitted by counsel does not constitute an application for class membership in any of the legalization class-action lawsuits as said form relates to a Form I-687 application, which was previously approved.

No evidence has been presented which would suggest that the applicant had attempted to file a subsequent Form I-687 Application. The applicant has not provided any documents, which would establish that he filed a timely written claim for class membership. Also, there are no records within Citizenship and Immigration Services, which demonstrate that the applicant applied for class membership. Given that, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

Beyond the decision of the director, it must be noted that the applicant was provided the opportunity on May 14, 2003 to submit the final court disposition regarding his arrest on December 27, 1983 for four misdemeanor violations. To date, no response has been presented by either counsel or the applicant. As the appeal will be dismissed on the grounds discussed above, this issue need not be examined further.

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