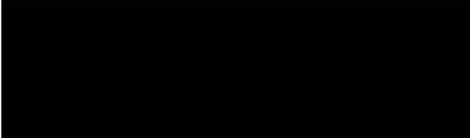




U.S. Citizenship
and Immigration
Services

Public 2007
**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



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JUL 13 2004
Date:

FILE:



Office: NATIONAL BENEFITS CENTER

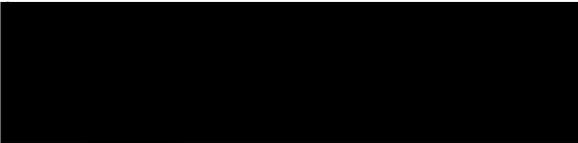
IN RE:

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:



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 Director, 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, counsel for the applicant asserts the evidence provided by the applicant is sufficient to establish his having filed a timely application for class membership in LULAC. Counsel also makes reference to a May 29, 1991 denial by the Immigration and Naturalization Service or the Service (now, Citizenship and Immigration Services or CIS) of the applicant's adjustment application for failure to appear for his required Service interview. Counsel asserts the applicant's failure to appear resulted from the Service sending the interview notices to an outdated address despite the applicant having filed timely change of address forms. Nevertheless, counsel's references on appeal are to a *prior* proceeding in which the Service has already rendered a decision. Such proceeding is not within the purview of this appellate adjudication.

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.

The applicant failed to submit any documentation addressing this requirement when the application was filed, in rebuttal to the notice of intent to deny or on appeal. Nor are there any records within Citizenship and Immigration Services or CIS (formerly, the Immigration and Naturalization Service or INS) which demonstrate the applicant had ever applied for class membership. The applicant previously filed a timely Form I-687 Application for Temporary Resident Status under section 245A of the Immigration and Nationality Act (INA) which, according to CIS records, was granted February 1, 1988. The record also reflects that the applicant thereupon filed a Form I-698 Application for Adjustment of Status from Temporary to Permanent Resident, which was denied on May 29, 1991 due to the applicant's failure on two occasions to appear for his required Service interview. In any case, timely filed applications for temporary residence under section 245A of the INA, as well as previously-adjudicated I-698 adjustment applications, constitute proceedings which are unrelated to applications for class membership in any of the legalization class-action lawsuits. Moreover, section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of such proceedings.

The documentation submitted by the applicant fails to establish his having filed a timely claim for class membership in any of the aforementioned legalization class-action suits. Given that, 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.