



U.S. Citizenship
and Immigration
Services

LA

[Redacted]

FILE:

[Redacted]

Office: Dallas, Texas

Date:

JUN 11 2004

IN RE: Applicant:

[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:

Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the District Office in Dallas. 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

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 Director, National Benefits Center. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant failed to establish he had filed a claim for class membership in one of the legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant asserts that he applied for class membership in the *LULAC* lawsuit, *infra*, and that he “had a temporary green card but I never received the document to file for the permanent.”

The appeal was filed on behalf of the applicant by [REDACTED] of Unified Service Agency Corporation in Elizabeth, New Jersey, who filed a Form G-28, Notice of Appearance as Attorney or Representative. [REDACTED] stated on the Form G-28 that she is associated with an attorney, [REDACTED] and was appearing at her request. [REDACTED] had not previously filed a Form G-28 in her own right, however, as required for [REDACTED] to appear at her request. [REDACTED] is evidently not an attorney herself, nor a law student or law graduate, as required for her to appear in place of [REDACTED]. See 8 C.F.R. § 292.1(a)(2). As a non-attorney representative [REDACTED] appearance is governed by 8 C.F.R. § 292.1(a)(3)(ii), which provides that an applicant may be represented by “[a]ny reputable individual of good moral character, provided that [sh]e is appearing without direct or indirect remuneration and files a written declaration to that effect.” (Emphasis added.) No such written declaration has been filed in this case by [REDACTED]. Accordingly, this decision will be sent only to the applicant.

To be eligible for permanent resident status under section 1104 of the LIFE Act, an alien must establish that before October 1, 2000, he or she filed a written claim with the Attorney General for class membership in one 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 section 1104(b) of the LIFE Act and 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.

On May 4, 1988, the applicant filed a Form I-687, Application for Status as a Temporary Resident under section 245A of the Immigration and Nationality Act (INA). The I-687 application was approved and the applicant was issued a Temporary Resident card (Form I-688) with an expiration date of November 30, 1990. As a lawful temporary resident the applicant was then eligible to apply for lawful permanent residence during a time period beginning 18 months after the approval of his temporary resident status and ending 43 months after the approval of his temporary resident status. See 8 C.F.R. § 245a.3(a)(1) and (2). The applicant did not file an application for permanent resident status during that window of time, however, as he acknowledges in an affidavit dated July 16, 2003 and in his appeal.

The applicant’s I-687 filing in 1988, and the approval of temporary resident status, was the first step in the process of seeking permanent resident status under section 245A of the INA, enacted as part of the Immigration Reform and Control Act of 1986 (“IRCA”). It did not constitute a claim for class membership in one of the subsequent legalization class action lawsuits, *CSS*, *LULAC*, or *Zambrano*, as required for an alien to be eligible for permanent resident status under section 1104(b) of the LIFE Act, enacted on December 21, 2000.

Though the applicant alleged on appeal that he “appl[ied] under *LULAC*,” he has not submitted any documentary evidence that he filed a claim for class membership in that lawsuit. Nor does Citizenship and Immigration Services (successor to the Immigration and Naturalization Service) have any record of receiving a claim for class membership from the applicant. Since the applicant had a pre-existing A-file dating from his application for temporary resident status in 1988, any written claim for class membership in *LULAC* would almost certainly have been incorporated in the file. But there was no such class membership claim or even a reference to *LULAC* in the applicant’s file until the instant appeal was received on October 27, 2003. That was more than three years after the statutory deadline of October 1, 2000 to file a claim for class membership in one of the legalization lawsuits.

Thus, the record fails to establish that the applicant filed a written claim for class membership in *LULAC*, or either of the other legalization lawsuits, *CSS* or *Zambrano*, before October 1, 2000, as required under section 1104(b) of the LIFE Act.

Accordingly, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

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