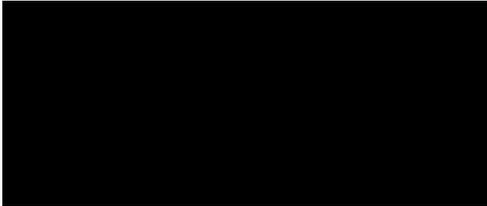




U.S. Citizenship
and Immigration
Services

12



FILE:



Office: National Benefits Center

Date:

NOV 30 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: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has 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 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 states:

I am, [REDACTED] this is in reference to my register permanent resident. I am appeal with the office of Chicago. I explain what happened, I am applying for C.S.S. in April 12, 1988; I apply in [REDACTED] but I did not qualify because in August 01, 1987, I going to Mexico for emergency. And came back August 12, 1987. In Gardena the lady not qualify me. Then I apply in December 11, 2002. I send copy for my evidence.

The applicant appears to be represented. However, the record does not contain Form G-28, Notice of Entry of Appearance as Attorney or Representative. All representations will be considered, but the decision will be furnished only to the applicant.

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 provided a photocopy of a Form I-687 Application for Status as a Temporary Resident under section 245A of the INA allegedly signed by the applicant on April 12, 1988.

On rebuttal to a notice of intent to deny, the applicant provided another photocopy of his Form I-687 and copies of documents intended to show his continuous physical presence and residence in the United States.

Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service (INS), has no record of receiving the Form I-687 from the applicant until the instant LIFE application was filed on December 19, 2002. To be eligible for permanent resident status under section 1104(b) of the LIFE Act the applicant must show that after failing to file for temporary residence (legalization) during the May 5, 1987 and May 4, 1988 period, he filed a claim for class membership in one of the legalization lawsuits sometime before October 1, 2000. The applicant has not furnished any evidence, such as a postal receipt or an acknowledgement

letter from the INS, that the above form was filed with the INS on a date before October 1, 2000. As indicated above, CIS has no record of receiving this form until the instant LIFE application was filed in December 2002. That was long after the statutory deadline to file a claim for class membership one of the legalization lawsuits.

Given this 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.