



U.S. Citizenship  
and Immigration  
Services

L2



FILE:



Office: NATIONAL BENEFITS CENTER

Date:

MAY 13 2004

IN RE:

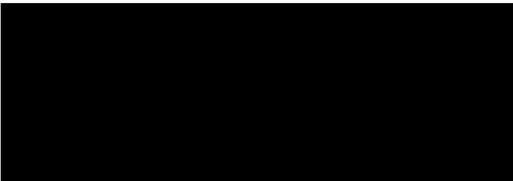
Applicant:



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:



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Identity information deleted or  
redacted for security reasons  
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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, Missouri Service Center, reopened, and denied again by said Director. The matter 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 asserts that the applicant is unable to locate the individual who assisted him in his legalization case, hence he cannot provide any evidence supporting his *League of United Latin American Citizens* or *Zambrano* class membership. Counsel submits a Form I-512 issued on March 24, 1995 and states that said form is evidence of the applicant's class membership.

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 record reflects that the applicant timely filed an application for temporary resident status under section 245A of the Immigration and Nationality Act (Act) on February 25, 1988, and the application was denied on May 23, 1990. The applicant's appeal to the denial of his application was dismissed by the AAO on May 12, 1998. In support of his LIFE application, the applicant submitted photocopies of documents relating to the filing and denial of his Form I-687 application along with the subsequent dismissal of his appeal. Section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of the matter, as the original application for temporary resident status under section 245A of the Act had been filed by the applicant in a timely manner. The legalization class-action lawsuits mentioned above relate to aliens who claim they did not file applications in the 1987-1988 period because they were improperly dissuaded by Citizenship and Immigration Services (CIS).

Submission of a previously filed Form I-687 application that was accepted and subsequently denied of legalization benefits by the legacy Immigration and Naturalization Service, now CIS does not constitute that a timely written claim to class membership was filed. Likewise, the Form I-512 submitted on appeal is not evidence that the applicant filed a timely written claim to class membership prior to October 1, 2000. It makes no mention of any of the legalization class-action lawsuits as required by 8 C.F.R. § 245a.14(d).

The applicant failed to submit any documentation throughout the application process addressing this requirement. Given his failure to even claim, much less 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.

Beyond the decision of the director, it must be noted that counsel's assertion on appeal that the applicant's Form I-687 Application was denied due to three misdemeanor convictions is without merit. The application was denied because the applicant failed to submit requested documentation regarding his criminal record.

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