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U.S. Citizenship
and Immigration
Services



FILE:



Office: National Benefits Center

Date:

SEP 23 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 National Benefits Center. 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

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the 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 record did not establish that the applicant applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000. The director also concluded that the applicant was inadmissible to the United States under section 212(a)(2)(A)(i)(I) of the Immigration and Nationality Act (INA) because he committed a crime (assault and battery) involving moral turpitude.

On appeal the applicant asserts that he is an "I-140 member category." The applicant also submitted photocopied records of his 1997 conviction in the State of California of two misdemeanor charges of assault and battery, committed on October 29, 1996, for which he received a sentence of 15 days in jail and three years probation.

An applicant for permanent resident status under section 1104 of 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 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.

In addition, section 1104(c)(2)(D)(i) of the LIFE Act specifies that an applicant for permanent resident status must establish that he or she is admissible to the United States as an immigrant, except as otherwise provided under section 245A(d)(2) of the INA. Section 245A(d)(2), which allows the grounds for an alien's exclusion to be waived in certain cases, provides that any provision of section 212(a) of the INA (defining classes of aliens who are ineligible for visas or admission) may be waived on a case by case basis for "humanitarian purposes, to assure family unity, or when it is otherwise in the public interest," unless the grounds for the alien's exclusion involve certain enumerated offenses including, *inter alia*, conviction of a "crime involving moral turpitude" (section 212(a)(2)(A) of the INA). See section 245A(d)(2)(B) of the INA.

On appeal the applicant asserts simply that "I am a[n] I-140 member category," without further explanation. The applicant is presumably referring to Form I-140, Immigrant Petition for Alien Worker. That form, however, has nothing to do with the LIFE Act. The applicant does not even assert, much less submit any supporting documentation, that he filed a written claim for class membership in one of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, prior to October 1, 2000, as required to be eligible for legalization under section 1104(b) of the LIFE Act. Nor does Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service (INS), have any record of a claim by the applicant for class membership in one of the legalization lawsuits. Thus, there is no basis to find the applicant eligible for permanent resident status under the LIFE Act.

It is unclear from the documentation of record whether the applicant's misdemeanor convictions for assault and batter constitute a crime involving moral turpitude, which would make him statutorily ineligible, under section 1104(c)(2)(D)(i) of the LIFE Act, for permanent resident status in the United States. Since the applicant has failed to establish that he filed a timely claim for class membership in *CSS*, *LULAC*, or *Zambrano* in any event, the AAO need not further address the question of whether the applicant committed a crime of moral turpitude.

For the reasons discussed above, 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.