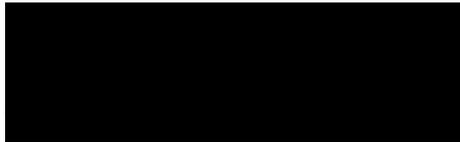




U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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FILE:



Office: NATIONAL BENEFITS CENTER

Date: DEC 21 2005

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. 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, 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, the applicant cites *Proyecto San Pablo v. INS*, No. 89-456-TUC-WBD (D. Ariz.) and asserts that he is a class member that was refused a written claim for class membership because he was deported in 1986.

The fact that the applicant was/is a class member under another class-action lawsuit has no relevance in this matter as it a separate program and does not pertain to any of the class action lawsuits at hand.

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 filed a timely Form I-687 Application for Status as a Temporary Resident under section 245A of the Immigration and Nationality Act (the Act), which was subsequently denied on May 21, 1990. The applicant's appeal to the denial of his application was remanded by the AAO on July 30, 1992 in order to determine the applicant's eligibility for class membership pursuant to *Proyecto San Pablo v. IN.*, No. 89-456-TUC (D. Ariz. Jan 26, 1992). The applicant's appeal to the denial of his application was subsequently dismissed by the AAO on February 9, 1998.

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 the Immigration and Naturalization Service (legacy INS), now Citizenship and Immigration Services (CIS). The applicant provided no explanation as to why he would have sought membership in the any of the above legalization class-action lawsuits as he had filed a timely application on March 10, 1988.

Submission of a timely filed Form I-687 application that was accepted and subsequently denied by the legacy INS does not constitute a timely written claim to class membership in the any of the above legalization class-action lawsuits. No evidence has been presented which would suggest that the applicant had attempted to file a subsequent Form I-687 Application.

The applicant has not provided any documents, which would establish that he filed a timely written claim for class membership in any of the aforementioned legalization class-action lawsuits prior to October 1, 2000. Also, there are no records within CIS, which demonstrate that the applicant applied for class membership. Accordingly, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

ORDER: The appeal is dismissed. The director shall forward this record to the Director, Nebraska Service Center, in order to determine if the applicant may be entitled to have his temporary residence (legalization) application reopened under the current *Proyecto* order.