



U.S. Citizenship
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Services

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FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER Date: DEC 22 2005

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:
[REDACTED]

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 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 eligible for permanent resident status under the LIFE Act, and makes reference to having submitted documentation relating to a prior application for temporary residence.

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 applicant timely filed a legalization application for temporary resident status under section 245A of the Immigration and Nationality Act (the Act) on May 4, 1988. Pursuant to the Form I-689 issued on May 4, 1988 and January 4, 1989, the applicant was requested to appear for an interview on November 18, 1988 and January 27, 1989, respectively. The applicant failed to appear for either interview, and on February 11, 1989, the legalization officer recommended that the application be denied. The application was subsequently denied on August 2, 1989. There is no evidence that the applicant appealed the denial of the legalization application. 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).

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. 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. Also, there are no records within CIS, which demonstrate that the applicant applied for class membership. As such, 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.