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FILE: .



Office: NATIONAL BENEFITS CENTER

Date: **DEC 23 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 on appeal. The appeal will be dismissed.

The director concluded the applicant had not established that she 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 asserts that she did in fact apply for class membership prior to October 1, 2000.

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 a Form I-687, Application for Status as a Temporary Resident under section 245A of the Immigration and Nationality Act on April 25, 1988. The applicant was interviewed on July 26, 1988 and said application was approved on September 12, 1998. It is noted that the Citizenship and Immigration Services (CIS) records contain no evidence that the applicant filed a Form I-698, Application to Adjust Status from Temporary for Permanent Resident within the required 43-month application period of being granted temporary residence.

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 CIS. A previously filed Form I-687 application that was accepted and subsequently approved of legalization benefits by the legacy Immigration and Naturalization Service (legacy INS), now CIS does not constitute a timely written claim to class membership. The applicant provided no explanation as to why she would have sought membership in the legalization class-action lawsuits as she had not been improperly dissuaded by the legacy INS and did file a timely application on April 25, 1988.

The applicant has not provided any documents, which would establish that she 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.