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U.S. Citizenship
and Immigration
Services

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FILE:



Office: NATIONAL BENEFITS CENTER

Date:

JUL 26 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. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case 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

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 reiterates his claim that he had previously attempted to apply for legalization with the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS). The applicant also reaffirms his claim that he applied for class membership in one of the requisite legalization class-action lawsuits with the Service on May 19, 1991. The applicant submits two affidavits of residence in support of his appeal.

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.

On his LIFE Act application, the applicant claimed that he applied for class membership in one of the requisite legalization class-action lawsuits with the Service on May 19, 1991. However, the applicant failed to submit any evidence to corroborate his claim that he applied for class membership on this date.

On appeal, the applicant indicates that he is eligible for permanent residence under the provisions of the LIFE Act because he had attempted to file a Form I-687 legalization application under section 245A of the Immigration and Nationality Act (INA) during the application period. While the applicant may have been front-desked (informed that he was not eligible for legalization) when he attempted to file a Form I-687 legalization application, this action alone does not equate to having filed a written claim for class membership in any of the requisite legalization class-action lawsuits. While the applicant also reaffirms his claim that he applied for class membership in one of the requisite legalization class-action lawsuits with the Service on May 19, 1991, a review of the record reveals no evidence that would support this claim.

The record reflects that all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership in a timely manner. The applicant has failed to submit any documentation that establishes his having filed a timely written claim for class membership in one of the aforementioned legalization class-action lawsuits. Accordingly, 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.