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U.S. Citizenship
and Immigration
Services

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FILE:



Office: NATIONAL BENEFITS CENTER

Date: JUN 06 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. Wiernann, 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 was not eligible for class membership pursuant to a previously issued Revocation Notice. The director also concluded that 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. Accordingly, the director denied the application.

On appeal, the applicant asserts that he was never informed by Citizenship and Immigration Service (CIS) of the requirements to file for class membership prior to the deadline of October 1, 2000. The applicant claims in part:

My address change notice was filed on October 1991 with the renewal of my employment authorization at INS Dallas Texas Center. In February 1998 my employment card was not returned, no explanation given. I was told the case is over by a lady officer at INS Dallas Texas). I reasoned that my original application and documentations/affidavits I filed originally resulting my receiving the EAD, is considered as part of the class membership claim, which is before the 1 October 2000 deadline.

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.

Along with the applicant's LIFE application, the record contains: 1) a copy of an employment authorization card issued on October 12, 1990; 2) evidence in an attempt to establish his residence in the United States; 3) his Form I-687 Application for Status as a Temporary Resident under section 245A of the Immigration and Nationality Act signed by the applicant on October 10, 1990; and 3) a Form for Determination of Class Membership signed by the applicant on October 10, 1990.

The record also contains a memorandum dated August 20, 1993 from the San Francisco (California) Fraud Unit, which indicated that a joint investigation with the Federal Bureau of Investigation identified 22 brokers who paid bribes to an immigration officer on behalf of 1,370 applicants. The instant applicant was identified as having procured a Form I-688A Employment Authorization Document through the payment of a bribe to an immigration officer at the Salinas (California) Legalization Office.

On April 21, 1997, a Notice of Intent to Revoke Class Membership was sent to the applicant informing him of the above adverse evidence. The notice, however, was returned by the post office as undeliverable. On May 27, 1997, the applicant's work authorization and class membership were revoked and his case was closed.

The director, in his Notice of Intent to Deny issued on August 13, 2003, informed the applicant that his LIFE application contained no evidence that he filed a timely written claim for class membership. The applicant was also informed of the adverse evidence regarding the revocation of his work authorization and class membership. The applicant, however, failed to respond to the Notice of Intent to Deny. On appeal, the applicant asserts, "I did not pay any bribe to any Chief legalization officer. I obtained help from a legal aide, a [redacted] to process my

application. This is quite a statement to make that I bribed an officer of the INS. I had no contact with the said officer.”

Given his failure to document, that he was a *legitimate* class member applicant, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

Beyond the decision of the director, it must be noted that the record contains a copy of the applicant's South African passport, which indicates on July 2, 1985, the applicant was issued a B-2 multiple entry non-immigrant visa valid until July 2, 1986. The record reflects that the applicant lawfully entered the United States on August 9, 1985. Assuming, *arguendo*, the applicant was a legitimate class member, he would not be eligible for the benefit being sought as he was in a lawful nonimmigrant status from August 9, 1985 through July 2, 1986. Eligibility for adjustment under the LIFE Act requires the applicant to have entered the United States before January 1, 1982 and maintained continuous residence in the United States in *an unlawful status* since such date and through May 4, 1988. See 8 C.F.R. § 245a.11(b).

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.