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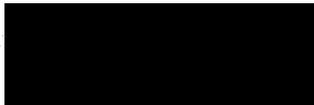


U.S. Citizenship
and Immigration
Services

L2



FILE:



Office: NATIONAL BENEFITS CENTER

Date: JUN 10 2005

IN RE:

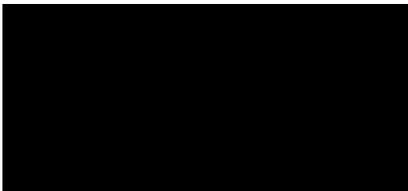
Applicant:



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:



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, the applicant asserts he is eligible for permanent resident status under the LIFE Act. The applicant states that he is submitting affidavits, which are consistent with the statutory requirements. The applicant requests that his application be reconsidered.

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 his LIFE application, the applicant included photocopies of: 1) a Legalization Questionnaire dated March 16, 2000; 2) a Form for Determination of Class Membership dated December 15, 1992; 3) an appointment notice purportedly from the New York District Office informing the applicant of an interview date of July 23, 1993; 4) a Form I-687 Application for Status as Temporary Resident under section 245A of the Immigration and Nationality Act (the Act) signed by the applicant on December 15, 1992; 5) documentation establishing his identity; and 6) documentation to establish his residence in the United States;

The documentation presented to establish the applicant's identity and residence does not constitute proof that the applicant filed a timely written claim to class membership prior to October 1, 2000. While the appointment notice could possibly be considered as evidence of having made a written claim for class membership, there is no record of the legacy Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS) generating the appointment notice listed above or receiving the Class Membership Declaration, Legalization Questionnaire or Form I-687 application. It is noted that at the time the applicant prepared his Form I-687 application, the eligibility period (May 5, 1987 through May 4, 1988) for filing said application under section 245a of the Act had expired.

Given his failure to credibly document, having filed a timely written claim for class membership, 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.