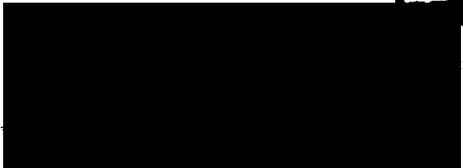


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Services

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provision of personal privacy



MAR 07 2005

FILE:

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant:

PETITION: 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. If your appeal was sustained, or if the matter 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, Missouri Service Center. It was reopened and denied again by the Director, National Benefits Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

In both decisions, the directors 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 of the initial decision, the applicant asserted, "I am a 245A under CSS."

The applicant does not respond to the subsequent decision.

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:

sub nom.

sub nom.

vacated sub nom.

vacated

vacated

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)."

The applicant failed to submit any documentation addressing this requirement when the application was filed or in rebuttal to the initial notice of intent to deny. An examination of the record indicates that the applicant had timely filed his I-687 Application for Status as a Temporary resident under Section 245A of the Immigration and Nationality Act (INA) on May 4, 1988. That application was subsequently denied by the District Director, Los Angeles, on June 4, 1989. In any case, an application for legalization under section 245A of the INA does not constitute an application for class membership in any of the legalization class-action lawsuits. Furthermore, section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of a timely filed and previously denied application for temporary resident status under section 245A.

Notwithstanding the applicant's cursory statement in his initial appeal that "I am a 245A under CSS," there is no indication in the documentation provided by the applicant that he had submitted a written claim for class membership in CSS legalization class-action lawsuit or in any of the other requisite lawsuits prior to October 1, 2000.

Given his failure to establish that he filed a timely written claim for class membership in CSS or in any of the aforementioned legalization class-action lawsuits, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

It addition, the record discloses that, on February 23, 1993, the applicant was convicted of, and pled guilty in Huntington Park, California, to assault with a deadly weapon, in violation of [REDACTED] of the California State Penal Code. [REDACTED] the Board of Immigration Appeals (BIA) found assault with a deadly and dangerous weapon to be a crime involving moral turpitude. An alien is inadmissible if he has been convicted of a crime involving moral turpitude (other than a purely political offense), or if he admits having committed such crime, or if he admits committing an act which constitutes the essential elements of such crime. As such, the applicant is also inadmissible [REDACTED] of the INA and is, therefore, ineligible for adjustment to permanent resident [REDACTED] of the LIFE Act on *this* basis as well.

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