

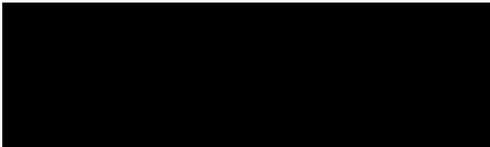


U.S. Citizenship
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Services

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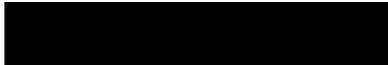


Office: NATIONAL BENEFITS CENTER

Date: SEP 07 2005

IN RE:

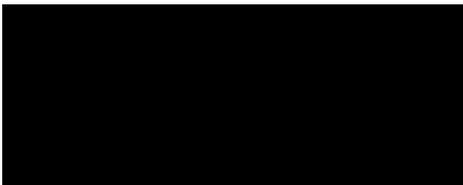
Applicant:



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, counsel asserts that the applicant is eligible for permanent resident status under the LIFE Act, and makes reference to having submitted documentation 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.

Along with his LIFE application, the applicant included: 1) evidence to establish his identity; 2) evidence to establish his residence in the United States; 3) a photocopy of an undated Affidavit for Determination of Class Membership; 4) a photocopy of an unsigned and undated Form for Determination of Class Membership; 5) a photocopy of an undated Form I-687 Application for Status as a Temporary Resident; and 6) a photocopy of an Form G-56 dated July 31, 1991 purportedly informing the applicant of an interview on July 22, 1991.

On appeal, counsel asserted that the applicant presented proof that he had filed his application in 1991, and received an interview date of July 22, 1991. Counsel further asserted that the applicant was assisted at the time by a Catholic priest named [REDACTED]

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 Form G-56 could possibly be considered as evidence of having made a written claim for class membership, it does not an Alien Registration Number (A-number, or file number) for the applicant, as required in 8 C.F.R. § 245a.14(d). Further, it appears that the applicant's information on the Form G-56 was written in at a later time.

There is no record that the Class Membership Declarations and Form I-687 application were ever filed or were ever received by the legacy Immigration and Naturalization Service, now Citizenship and Immigration Services. If the applicant had filed a Form I-687 application, a file number would have been created at that point. In addition, counsel's assertion that the applicant received assistance in preparing his application is not supported by the record. The Form I-687 does not indicate anyone other than the applicant completed the application.

Given his failure to establish that he 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.