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U.S. Department of Homeland Security  
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Washington, DC 20529



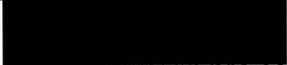
U.S. Citizenship  
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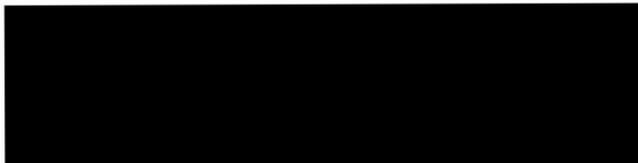
Office: NATIONAL BENEFITS CENTER

Date: **JUL 13 2006**

MSC 03 251 61589

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 National Benefits Center. 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, Chief  
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 declares that it is his belief that he is eligible for permanent residence under the LIFE Act because he has been residing in the United States since 1982. The applicant provided copies of documents previously submitted 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.

The record reflects that the applicant filed a Form I-687 Application for Status as a Temporary Resident under section 245A of the Immigration and Nationality Act (the Act). The Form I-687 application was approved on October 22, 1988. The applicant's Form I-698 Application to Adjust from Temporary to Permanent Resident was filed on November 22, 1989. The applicant's temporary resident status was terminated on July 28, 1993. The applicant's Form I-698 application was also denied on July 28, 1993. The applicant's appeal from the denial of his Form I-698 was dismissed by the AAO on December 14, 1994. Section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of the matter, as the original application for temporary resident status under section 245A of the Act had been filed by the applicant in a timely manner.

The legalization class-action lawsuits mentioned above relate to aliens who claim they did not file applications in the 1987-1988 period because they were improperly dissuaded by the legacy Immigration and Naturalization Service (legacy INS). No explanation has been provided why the applicant would have sought membership in the any of the class-action lawsuits as he had filed a timely application that had been *accepted* by the legacy INS in 1987.

Along with his LIFE application, the applicant submitted evidence to establish his identity and residence in the United States and copies of documents relating to his previous filed Form I-687 application, which as previously noted, was terminated. As previously mentioned in the director's Notice of Decision, the documents submitted throughout the application process may serve to establish the applicant's identity and residency, but they does not serve as evidence of a claim to class membership.

No evidence has been presented which would suggest that the applicant had attempted to file a subsequent Form I-687 Application. The applicant has not provided any documents, which would establish that he filed a timely written claim for class membership. Also, there are no records within Citizenship and Immigration Services,

which demonstrate that the applicant applied for class membership. Given that, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

Finally, it is noted that the applicant's Form I-687 application was terminated based on the applicant's five misdemeanor convictions in the United States. The regulation at 8 C.F.R. § 245a.18(a) states in part that an alien who has been convicted of a felony or three or more misdemeanors committed in the United States is ineligible for adjustment to lawful permanent resident status.

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