

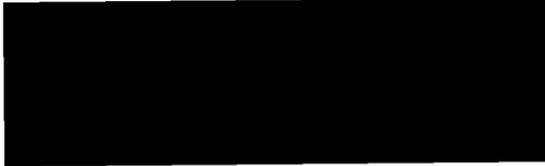


U.S. Citizenship
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Services

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FILE:



Office: NATIONAL BENEFITS CENTER

Date: **MAY 24 2006**

MSC 03 246 61833

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. 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. The director also concluded that the applicant was inadmissible under section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (the Act). Accordingly, the director denied the application.

On appeal, the applicant asserts that it appears that his attorneys failed to register him for either the CSS or LULAC class-action lawsuit. The applicant states that he was in deportation proceedings on March 10, 1985, and was not deported on said date.

The director's finding that the applicant was inadmissible under section 212(a)(7)(A)(i)(I) of the Act is incorrect.

The regulation at 8 C.F.R. § 245a.18(b) clearly indicates that section 212(a)(7)(A) of the Act *shall not* apply to applicants for adjustment to lawful permanent resident status under subpart B of the LIFE Act. As such, the applicant cannot be found inadmissible under this section.

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 timely filed a legalization application for temporary resident status under section 245A of the Act on May 4, 1988, and this application was subsequently denied on April 29, 1992. The applicant's appeal from the denial of the legalization application was subsequently dismissed by the AAO on May 18, 1993. 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). The applicant has provided no explanation as to why he would have sought membership in any of the class-action lawsuits as he had filed a timely application that had been *accepted* by the legacy INS in 1988.

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.

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