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FILE: [Redacted]
MSC 03 249 62327

Office: NATIONAL BENEFITS CENTER

Date: SEP 12 2006

IN RE: Applicant: [Redacted]

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 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 submits additional documentation that he asserts is proof that he filed a timely application for class membership.

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 applicant failed to submit any documentary evidence addressing this requirement with the application or in response to the director’s Notice of Intent to Deny. On appeal, the applicant submits a copy of an appointment letter that he claims establishes that he filed an application for class membership. The letter, which is not signed by an Immigration and Naturalization Service (legacy INS) official, appears to be dated in April 1995, and sets an appointment date for September 9, 1996. The applicant also submits a copy of a questionnaire for determination of class membership and a copy of a Form I-687, dated April 2, 1995. Neither the questionnaire nor the Form I-687 includes the signature of any legacy INS official. Additionally, none of the documentation includes an Alien Registration Number (or A-number) for the applicant, as required by 8 C.F.R. § 245a.14(b). None of the documents contain any other indicia that would indicate that the applicant submitted a request for class membership.

Accordingly, given his failure to document that he filed a timely written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

The record reflects that the applicant is under a Warrant of Removal /Deportation that was issued on July 3, 2002, following the April 12, 2002 dismissal of his petition for review by the Ninth Circuit Court of Appeals.

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