

identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy



U.S. Citizenship  
and Immigration  
Services

**PUBLIC COPY**

L2

FILE:

MSC 03 248 63175

Office: NATIONAL BENEFITS CENTER

Date: **MAY 19 2008**

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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

  
Robert P. Wieman, 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 asserts that the denial of his claim is “not justifiable,” and that he has “clearly established eligibility and the Service has failed to overcome with specificity” that he is not eligible for adjustment of status under the LIFE Act.

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.

In support of his application, the applicant submitted a copy of a Notice of Action dated October 3, 1991, which purports to cancel his interview to determine class membership; a copy of a Notice of Action dated November 18, 1991, purporting to verify receipt of the Form I-687, Application for Status as a Temporary Resident, and of a Form I-690, Application for Waiver of Grounds of Excludability under Sections 245A or 210 of the Immigration and Nationality Act; copies of interview notifications dated September 23, 1991, and December 15, 1992; and a copy of a Form I-687 application signed by the applicant on December 15, 1992.

None of the documents contain an alien registration number as required by 8 C.F.R. § 245a.14. A review of CIS records does not reveal that any of the documents were generated by the legacy Immigration and Naturalization Services (legacy INS). Additionally, we note that the Form I-687 application is dated more than a year after the purported receipt of the application as noted on the November 18, 1991, Notice of Action.

Accordingly, the record does not establish that the applicant applied for class membership in any of the requisite legalization class-action lawsuits. 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 on August 19, 2004, the applicant filed a Form I-687 application pursuant to the terms of the settlement agreements reached in *Catholic Social Services, Inc., et al., v. Ridge, et al.*, CIV. NO. S-86-1343-LKK (E.D. Cal) January 23, 2004, and *Felicity Mary Newman, et al., v. United States Immigration and Citizenship Services, et al.*, CIV. NO. 87-4757-WDK (C.D. Cal) February 17, 2004, (CSS/Newman Settlement Agreements), under CIS receipt number MSC 04 324 10097. The District

Director, New York, New York, denied this application on February 8, 2006. The applicant's appeal of the director's decision is not at issue in this appeal.

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