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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Administrative Appeals MS 2090
Washington, DC 20529-2090



U.S. Citizenship
and Immigration
Services

L2

FILE:

Office: NATIONAL BENEFITS CENTER

Date:

DEC 10 2010

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. 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.

Perry Rhew
Chief, Administrative Appeals Office

At issue in this proceeding is whether the applicant has submitted sufficient credible documentation to demonstrate that he filed a written claim for class membership in one of the legalization class-action lawsuits cited above before October 1, 2000.

The record indicates that the applicant submitted a copy of an unfiled Form I-687 signed and dated January 10, 1988 and a copy of a Form for Determination of Class membership in [REDACTED] signed and dated May 15, 1991 and a copy of a Legalization Questionnaire signed and dated September 22, 1999. The documents do not include an A-number as required in 8 C.F.R. § 245.14(b) and there is no evidence that any of the documents were ever filed with USCIS.

On appeal, the applicant has not submitted any additional evidence that that he filed a written claim for class membership in one of the legalization class-action lawsuits cited above before October 1, 2000. In fact, he indicates that the documents contained in the record establish his eligibility. He seeks review of the director's decision on humanitarian grounds.

The applicant has failed to submit documentation that credibly establishes that he filed a timely written claim for class membership in one of the aforementioned legalization class-action lawsuits. The record reflects that all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership in a timely manner. Given his failure to document that he *timely* filed a 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.*