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U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536



AUG 04 2003

File:



Office: MISSOURI SERVICE CENTER

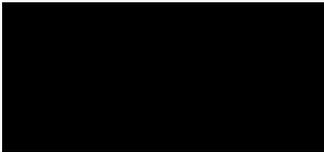
Date:

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:



identifying data deleted to
prevent clearly unwarranted
disclosure of personal privacy

INSTRUCTIONS:

Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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, Director
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Missouri Service 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, through his attorney, asserted that he had previously provided evidence of having filed a written claim for class membership to the individual who had originally prepared his LIFE application. Counsel further asserted that such evidence of having filed for class membership should have been included in the applicant's file.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993).

The applicant did not, initially, provide evidence of having filed a timely application for class membership in one of the aforementioned class-action lawsuits. In rebuttal to the Service's notice of intent, the applicant provided a photocopied notice dated May 3, 1988, from the District Legalization Officer, Manhattan Legalization Office, acknowledging receipt of the applicant's application for temporary resident status. However, this acknowledgement does not constitute evidence of having filed a timely written claim for class membership in one of the aforementioned legalization class-action lawsuits. Rather, it means he was successful in applying in a timely manner for temporary residence (legalization) and therefore, had no need to apply for class membership in any of the aforementioned legalization class action lawsuits.

While counsel, on appeal, alludes to the applicant having previously provided further evidence of having filed a written claim for class membership, a review of the record of proceedings fails to disclose the presence of such evidence.

Given the applicant's failure to submit documentation indicating his having filed a timely written claim for class membership, he 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.