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

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ADMINISTRATIVE APPEALS OFFICE
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Date: AUG - 5 2003

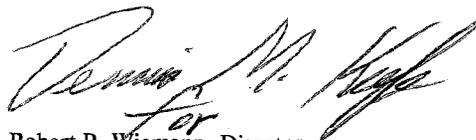
IN RE: Applicant: 

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:

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 initially denied by the Director, Missouri Service Center. It was reopened and denied again by the Director, National Benefits Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

In both decisions, it was concluded that 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.

On appeal of the initial decision, the applicant submitted a personal statement in which he asserted he had filed for class membership under C.S.S. The applicant further asserted that he was unable to establish his eligibility for permanent resident status under the LIFE Act since his records were currently in the possession of the Bureau. The applicant did not respond to the subsequent denial of his application. Therefore, the record shall be considered complete.

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). In the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership before October 1, 2000. However, the applicant must establish that the family relationship existed at the time the spouse or parent initially attempted to apply for temporary residence (legalization) in the period of May 5, 1987 to May 4, 1988. 8 C.F.R. § 245a.10.

The applicant failed to submit any documentation addressing this requirement when the application was filed. In response to the initial Notice of Intent to Deny, counsel for the applicant submitted a statement in which he asserted that he was submitting proof that the applicant had filed for class membership in the C.S.S. class-action lawsuit prior to October 1, 2000. However, the only documentation provided consisted of two copies of the initial notice of intent along with the applicant's Form I-485 LIFE application. As noted in the Bureau's subsequent decision, these documents, unaccompanied by other evidence, are not indicative of having filed a timely claim for class membership in one of the legalization class-action suits. Nor do Bureau records disclose any attempt by the applicant to have filed a written claim for class membership prior to his completion of the application Form I-485.

In the Bureau's subsequent decision, it was also determined that there was no evidence in Bureau records that the applicant's spouse had ever filed a written application for class membership. Therefore, the applicant cannot claim class membership as a derivative alien pursuant to 8 C.F.R. § 245a.10.

Given his failure to document that he 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.