

PUBLIC COPY

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

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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



FILE: [REDACTED] Office: MISSOURI SERVICE CENTER

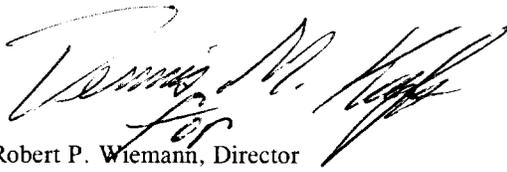
Date: 4/17/2003

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).

IN BEHALF OF APPLICANT: Self-represented

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 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 states that he is appealing in order to adjust his status. According to the applicant, he has filed several Form I-485 Applications.

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 submitted a photocopy of a completed Legalization Front-Desk Questionnaire, which was signed by the applicant and evidently submitted to the Bureau. However, the questionnaire was signed on January 26, 2001, which is more than 2 months after the *October 1, 2000* deadline for applying for class membership in any of the requisite legalization class-action lawsuits.

On rebuttal to a letter of intent to deny, the applicant resubmitted a copy of the questionnaire, and provided a personal statement and other documents relating to a previous application filed for lawful temporary resident status under section 210 of the Immigration and Nationality Act. Those documents do not relate to a request for class membership in one of the lawsuits mentioned above.

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.

In addition, it should be noted that the applicant indicated on his Form I-485 LIFE Application and the concurrent Form I-765 Application for Employment Authorization that he last entered the United States on October 1, 1997. On his Biographic Information Form G-325A, the applicant indicated that he held his last address in Mexico from February 1974 to April 1988. Pursuant to 8 C.F.R.

§ 245a.11(b), each applicant must demonstrate that he or she entered the United States prior to January 1, 1982 and resided continuously in this country since that date. Therefore, the applicant is unable to meet this requirement.

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