

**PUBLIC COPY**

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

**identifying data deleted to  
prevent clear and warranted  
invasion of personal privacy**

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

File:

Office: National Benefits Center

Date: 11/07/2002

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.

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

In both decisions, the directors 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 from the initial denial, the applicant declared that he had applied for class membership and had submitted all available evidence to support his LIFE Act application to the Service (now the Bureau). The record shows that the applicant was afforded the opportunity to submit evidence to supplement his appeal after the application had been denied for the second time. However, as of the date of this decision, the applicant has failed to submit any additional material. 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).

Bureau regulations provide an illustrative list of documents that an applicant may submit to establish that he or she filed a written claim for membership before October 1, 2000. 8 C.F.R. § 245a.14. The regulations also permit the submission of "[a]ny other relevant document(s)." 8 C.F.R. § 245a.14(g).

On August 22, 2001, the Bureau issued the first Notice of Intent to Deny to the applicant. The notice informed the applicant that he did not appear to be eligible to adjust status under section 1104 because the evidence of record did not establish that he had applied for class membership in one of the legalization class-action lawsuits mentioned above. The applicant was asked to submit any documentation or evidence he had received from the Bureau that proves that he had applied for class membership prior to October 1, 2000.

In response, counsel submitted a statement in which he declared that the applicant had lost documentation demonstrating his class

membership. It was concluded that the evidence submitted did not establish that the applicant had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000, and the application for permanent resident status under the LIFE Act was denied.

The applicant claimed that he had applied for membership in a legalization class-action lawsuit. However, a review of the record shows that the applicant failed to submit any documentation addressing this requirement with his initial application. Furthermore, he has not provided any documentation regarding that point on rebuttal or on appeal. As to the applicant's assertion that the Bureau was in possession of the documentation demonstrating that he had applied for class membership, the record reflects that the Bureau has checked all appropriate indices and files and determined that the applicant had not applied for class membership. 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.