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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 18 2003

File:  Office: NATIONAL BENEFITS 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).

IN BEHALF OF APPLICANT: Self-represented

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INVESTIGATIVE

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 denied by the Director, National Benefits 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 submitted an application to the Bureau and no reply has been received. According to the applicant, he also filed under the LIFE Act and was denied. The applicant requests that the director's decision be reconsidered.

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 failed to submit any documentation addressing this requirement when the application was filed. Furthermore, he has not provided any documentation regarding that point on rebuttal or on appeal. The applicant did submit a statement on appeal in which he claimed that "on or about June 1, 1996" he filed an application with the Texas Service Center to which he has not received a reply. There is no evidence however, in any Bureau record, that the applicant filed any other application with the Bureau prior to filing this Form I-485 LIFE Application and the concurrent Form I-765 Application for Employment Authorization.

The applicant also claimed on appeal that on November 6, 2001 he "refiled under the LIFE Act." According to Bureau records, the only applications filed were the aforementioned Form I-485 and Form I-765. The applicant's filing for adjustment of status under LIFE and for employment authorization does not meet the requirement of filing a written claim for class membership before the October 1, 2000 filing deadline. 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 and Form I-765 that he last entered the United States on July 15, 1985. 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. The applicant offers no evidence of any earlier entry into this country. It appears that the applicant is also unable to meet this requirement.

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