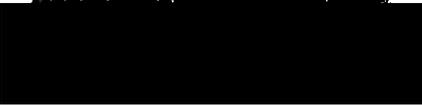


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U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services

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:

Office: NATIONAL BENEFITS CENTER

Date: AUG 18 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).

IN BEHALF OF APPLICANT:



PUBLIC COPY

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, 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, counsel states that insufficient weight was given to the evidence. According to counsel, evidence that had been submitted to prove continuous residence was erroneously classified as proof of the CSS claim. Counsel also claims that a brief would be submitted within 30 days covering these discrepancies. Neither counsel or the applicant has provided a brief or any additional documentation in support of the appeal.

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. The regulations also permit the submission of "[a]ny other relevant document(s)." 8 C.F.R. § 245a.14(g).

In support of his LIFE application, the applicant provided evidence pertaining to his Form I-700 Application for Temporary Resident Status as a Special Agricultural Worker which had been filed in 1988. That did not constitute the filing of a claim for class membership. The applicant also submitted a photocopy of a Legalization Front-Desking Questionnaire signed and dated on November 25, 2000 and received by the Bureau's Vermont Service Center on December 15, 2000. Pursuant to the above, an alien would have to demonstrate that he or she had filed a written claim for class membership prior to October 1, 2000.

On rebuttal to a letter of intent to deny, the applicant provided a chart listing all of his previous applications and claims with the Bureau. Included on the chart is an item identified as "CSS v. Reno Front Desking Claim I.N.S. Denver, CO" dated October 25, 1998.

However, there is nothing in the applicant's file or Bureau records that establishes any type of written claim to *CSS*, *LULAC* or *Zambrano* membership was made on that or any other date. All other applications, claims and corresponding dates listed on the chart pertain to the applicant's Form I-700. As discussed above, documentation relating to that action does not establish a written claim to class membership.

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.