



**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 (AAO) 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 declares that the applicant is a class member in a legalization class-action lawsuit and, therefore, eligible for permanent residence under the provisions of the LIFE Act. Counsel indicates that a brief and or additional evidence would be forthcoming within thirty days of receipt of the appeal. However, as of the date of this decision, neither the applicant nor counsel has submitted a statement, brief, or documentation to supplement the appeal. 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). See 8 C.F.R. § 245a.10.

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

With his application for permanent residence under the LIFE Act, the applicant submitted documentation relating to the prior adjudication of a separate application he had submitted for temporary resident status under section 245A of the Immigration and Nationality Act (INA). The applicant timely filed his application for temporary resident status under section 245A of the INA on December 9, 1987, and that application was subsequently approved on October 24, 1988. However, the applicant's temporary residence was subsequently terminated because he failed to file an application for adjustment of status from temporary to permanent resident under section 245A of the INA on Form I-698 within 43 months of the date he had been granted temporary residence, as required by 8 C.F.R. § 245a.2(u)(1)(iv). Section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of such

termination proceedings, as the original application for temporary resident status under section 245A of the INA had been filed by the applicant in a timely manner.

In summary, the applicant did apply for temporary residence (legalization), and his application was approved. However, his temporary residence was later terminated. Regardless, 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.