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U.S. Department of Homeland Security

Citizenship and Immigration Services

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

[REDACTED]

FILE: [REDACTED]

Office: National Benefits Center

Date: DEC 31 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).

ON BEHALF OF APPLICANT: [REDACTED]

INSTRUCTIONS:

Attached is the decision rendered on your appeal. The file has been returned to the National Benefits Center. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. 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, 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, the applicant indicates that a written claim for membership in the "CSS" class-action lawsuit had been submitted on his behalf by "Concerned Citizens for Queens." The applicant contends that he would not have continued to receive work authorization after 1990 if he was not a class member. The applicant provides copies of previously submitted documentation relating to his prior separate application for temporary resident status (legalization) under section 245A of the Immigration and Naturalization Act (INA).

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 (LULAC) v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc. (CSS)*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano (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.

The applicant has not documented that he filed a written claim for class membership. With his application for permanent residence under the LIFE Act, in response to the notice of intent to deny, and now on appeal, the applicant provides documentation relating to the prior adjudication of a separate application he had submitted for temporary resident status under section 245A of the INA. The applicant timely filed his application for temporary resident status under section 245A of the INA on April 4, 1988, and this application was denied on January 9, 1990. The applicant filed an appeal to the denial of his application and this appeal was dismissed by the AAO on September 22, 1992. Section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of the matter, as the original application for

temporary resident status under section 245A of the INA had been filed by the applicant in a timely manner. The legalization class-action lawsuits mentioned above relate to aliens who claim they did not file applications in the 1987-1988 period because they were improperly dissuaded by CIS.

While the applicant indicates that a written claim for class membership had been submitted on his behalf by "Concerned Citizens for Queens," the evidence in the record shows that this organization prepared the prior legalization application discussed in the paragraph above. The record does not contain any documentation reflecting that this organization ever filed a written claim for class membership on the applicant's behalf. The applicant's contention that he would not have continued to receive work authorization after the denial of his legalization application in 1990 if he was not a class member is clearly erroneous. The applicant himself provided evidence that he did continue to receive extensions of work authorization through the date his appeal to the denial of his legalization application was dismissed by the AAO on September 22, 1992.

The record reflects that all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership. Given his failure to credibly 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.