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Citizenship and Immigration Services

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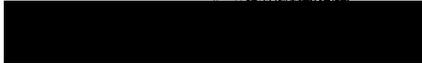
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ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street N.W.
Washington, D.C. 20536

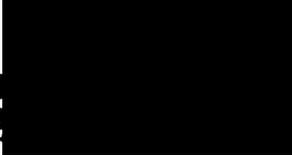


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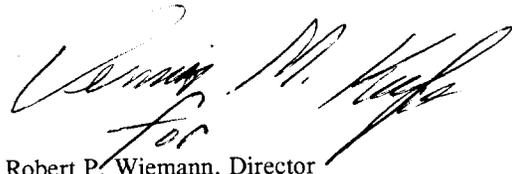
FILE:  Office: National Benefits Center Date:

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).

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.



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, counsel asserts that the applicant's A-number is sufficient to prove that he is a class member.

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

The applicant failed to submit any documentation addressing this requirement when the LIFE Act application was filed, on rebuttal to the notice of intent to deny, and now on appeal. In addition, a review of Service (now Citizenship and Immigration Services, or CIS) records does not show that a written claim for class membership was made.

Counsel contends that applicant's alien registration number (A-file number) is sufficient to demonstrate that he had applied for class membership. According to counsel, A-numbers assigned to *CSS*, *LULAC* and *Zambrano* applicants by the Houston, Texas office of Citizenship and Immigration Services (CIS) usually commenced with the numerical prefix "93" [the present applicant's A-number is ██████████]. According to counsel, this should be sufficient to establish the applicant meets the statutory requirement for eligibility under the LIFE Act. Contrary to counsel's contention, an applicant's A-file number, in the absence of other credible supporting evidence, does not establish that a claim for class membership was filed in a timely matter. While some A93 numbers were issued to *CSS*, *LULAC* and *Zambrano* applicants, other A93 numbers were issued to aliens when

they applied for permanent residence under the LIFE Act. That is the case here; the applicant filed his LIFE application, and CIS created file [REDACTED] and assigned that A-number to the applicant. The applicant did not have a pre-existing file and A-number at the time he filed his current LIFE application.

Given his failure to establish having filed a timely 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.