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Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
COURT ANNEX, 20th MEZ/F
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Washington, D.C. 20536



OCT 02 2003

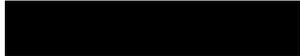
File:



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).

ON BEHALF OF APPLICANT: SELF-REPRESENTED

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, the applicant indicates that he submitted documents establishing his eligibility for permanent residence under the provisions of the LIFE Act.

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 LIFE Act application, on rebuttal, and on appeal, the applicant provides documentation that tends to establish the applicant filed a written claim for class membership before October 1, 2000. Therefore, it is concluded that the applicant's claim to class membership may very well be valid and the stated basis of denial shall considered to have been overcome.

Along with the application for LIFE Legalization, an alien must provide evidence establishing that he or she entered the United States before January 1, 1982, and resided in continuous unlawful status since that date through May 4, 1988. 8 C.F.R. § 245a.15(a).

The record contains a Form G-325A, Record of Biographic Information, dated October 14, 1993, which the applicant had previously submitted to the Service (now Citizenship and Immigration Services, or CIS) as part of a separate asylum application. On the Form G-325A, the applicant specifically acknowledged that he had lived in Honduras since his date of birth on January 6, 1950 to November 1990, and that he began residing in

the United States in November 1990. The record further shows that the applicant subsequently submitted a Form I-589, Request for Asylum, to CIS on February 15, 1994. On the Form I-589, the applicant admitted that he did not arrive in the United States until November 1990. By the applicant's own admission, he did not reside in the United States during the requisite period from January 1, 1982 to May 4, 1988. Accordingly, 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.