

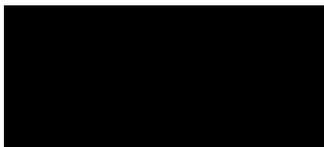
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U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

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



OCT 09 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 applied for class membership in the *Catholic Social Services, Inc. v. Meese* lawsuit in 1985. The applicant claims that evidence of his class membership could be found at the Service (now Citizenship or Immigration Services, or CIS) office in Laguna Niguel, California.

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).

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

On September 27, 2002, the director informed that applicant that he did not appear to be eligible to adjust status under section 1104 because the evidence of record did not establish that he had applied for class membership in one of the legalization class-action lawsuits mentioned above. The director requested that the applicant submit any documentation or evidence he possessed that proves that he had applied for class membership prior to October 1, 2000.

In response to the director's notice, the applicant asserted that he filed a written claim for class membership with CIS, but that he never received any reply. The applicant indicated that he did not keep a copy of his claim to class membership and did not possess any other evidence to demonstrate his registration in a legalization class-action lawsuit. The director concluded the evidence submitted did not establish that the applicant had applied for class membership in any of the requisite legalization class-

action lawsuits prior to October 1, 2000, and denied his application for permanent resident status under the LIFE Act on January 22, 2003.

On appeal, the applicant indicates that he applied for class membership in the CSS class-action lawsuit in 1985. However it would not have been possible for the applicant to file a claim for class membership in a legalization class-action lawsuit in 1985 as the legislation that authorized and instituted the legalization program was not enacted until November 1986. The applicant has not provided any evidence that would tend to corroborate his claim that he filed for class membership at any point in time, much less in 1985. 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.

In addition, it should be noted that the applicant indicated on his Form I-485 LIFE Act application that he last entered the United States on May 17, 1987. Pursuant to 8 C.F.R. § 245a.11(b), each applicant must demonstrate that he or she entered the United States prior to January 1, 1982 and resided continuously through May 4, 1988. The applicant offers no evidence of meeting this requirement as well.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.