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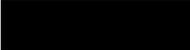
U.S. Department of Homeland Security
Citizenship and Immigration Services

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



SEP 24 2003

FILE:  Office: NATIONAL BENEFITS CENTER

Date:

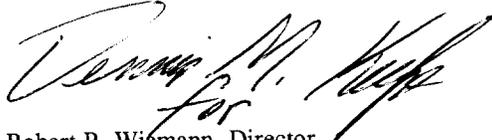
IN RE: APPLICANT: 

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).

IN 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 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 states that Citizenship and Immigration Services (CIS) erred in denying his application.

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.

The applicant failed to submit any documentation addressing this requirement when the application was filed. On rebuttal to the notice of intent to deny, the applicant submitted a photocopy of the first page of a letter dated March 23, 2001 from CIS's Vermont Service Center. In that document, the director stated that the applicant filed a Form I-765 Application for Employment Authorization on December 8, 2000. The applicant also provided several unreadable photocopies of a Form I-688a employment authorization card.

On appeal, the applicant once again provided a copy of the first page of the March 23, 2001 letter. According to the applicant, this letter establishes that he submitted his legalization questionnaire and applied for class membership before October 2000. The applicant also claims that in the letter, the director acknowledges that he is a class member. However, the complete letter, a copy of which is contained in the record, clearly states that the applicant submitted a questionnaire on December 5, 2000 and that the director determined that the applicant "is a class member, or class member applicant" of CSS.

The record contains the original legalization questionnaire which was in fact dated December 5, 2000 by the applicant. Pursuant to 8 C.F.R. § 245a.10, an alien would have to demonstrate that he or she had filed a written claim for class membership prior to October 1, 2000.

Given his failure to document that he 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.