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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

[Redacted]

SEP 26 2003

FILE: [Redacted] Office: NATIONAL BENEFITS CENTER

Date:

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).

IN BEHALF OF APPLICANT: [Redacted]

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*  
for

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, counsel states that he is providing the applicant's A-number as proof 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 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. 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 application was filed. On rebuttal, counsel provided the applicant's alien registration number (A number) in an attempt to show he had applied for class membership. According to counsel, A- numbers assigned to *CSS*, *LULAC* and *Zambrano* applicants by the Citizenship and Immigration Services' (CIS) Houston, Texas office, usually began with the numbers 93. Counsel points out that the applicant's A-number is [REDACTED], which should be enough to prove that he meets statutory eligibility under the LIFE Act.

Contrary to counsels' argument, an applicant's A number alone does not establish that a claim for class membership was filed in a timely matter. In this case, CIS initially started to assign [REDACTED] to the applicant when he filed his LIFE application in June 2002 and realized that he already had an A-number, [REDACTED], and withdrew the [REDACTED] number. Although the director inadvertently included [REDACTED] on the notice of intent to deny, that error was corrected on the decision which listed the applicant's correct A-number as [REDACTED]. That A-number was assigned to the applicant when he filed a Form I-687 Application

for Status as a Temporary Resident under section 245a in the legalization program. CIS records show that application was denied and that the applicant did not appeal that decision. Consequently, the applicant would not have been able to qualify as a class member. An alien whose legalization application was timely filed and accepted would not therefore have had a need to join a lawsuit with those who were not permitted to apply. The applicant filed an application and received a decision on it. He was not denied the opportunity to do so, which is a basic requirement for obtaining class membership.

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.

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