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U.S. Citizenship
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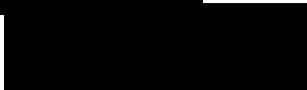
FILE:



Office: National Benefits Center

Date: APR 13 2004

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:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. 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. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant had not established 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 asserts that "I filed applications in one of the Catholic Social Services, Inc., but I didn't keep any record." He requests that his appeal be considered "based on the information submitted to you previously." The applicant also states that he arrived in the United States on January 15, 1985.

An applicant for permanent resident status under section 1104 of 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 one 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) ("CSS"), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) ("LULAC"), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993) ("Zambrano"). See section 1104(b) of the LIFE Act and 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 did not assert either in his LIFE application, or in his letter responding to the director's Notice of Intent to Deny, that he filed a claim for class membership in any of the legalization class-action lawsuits. Nor did any of the documentation the applicant submitted with his LIFE application or in response to the director's Notice of Intent to deny indicate that a claim for class membership had been filed. On appeal the applicant asserts for the first time that he filed an application for class membership in CSS. But he submits no documentary evidence thereof and no details as to the time and place of the alleged filing. Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service, has no record that the applicant ever filed a claim for class membership. In fact, CIS has no record of any correspondence from the applicant until the instant LIFE application was filed on December 2, 2002. That was more than two years after the statutory deadline of October 1, 2000, to file a claim for class membership in one of the legalization lawsuits.

Thus, the applicant has failed to establish that he filed a written claim for class membership in CSS, or either of the other two legalization lawsuits, *LULAC* or *Zambrano*, before October 1, 2000, as required under section 1104(b) of the LIFE Act.

Furthermore, under section 1104(c)(2)(B)(i) of the LIFE Act an applicant must establish that he or she entered the United States before January 1, 1982, and resided in this country continuously in an unlawful status through May 4, 1988, to be eligible for permanent resident status. As the applicant clearly states, however, he first entered the United States in January 1985. Thus, the applicant does not satisfy the statutory requirement of having entered the United States before January 1, 1982 and having resided in this country unlawfully for the requisite time period of January 1, 1982 to May 4, 1988.

For the reasons discussed above, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

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