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U.S. Department of Homeland Security
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Washington, DC 20536



U.S. Citizenship
and Immigration
Services

Handwritten signature or initials



FILE: [Redacted]

Office: National Benefits Center

Date: APR 13 2004

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).

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.

Handwritten signature of Robert P. Wiemann

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 states that "I was interviewed for legalization according to those mentioned in the Notice of Decision."

An applicant for permanent resident status under section 1104 of the LIFE Act must establish that he or she before October 1, 2000 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 record shows that the applicant filed a Form I-687, Application for Status as a Temporary Resident, on April 25, 1988, as the first step in seeking legalization under section 245A of the Immigration and Nationality Act (INA). Section 245A was added to the INA by the Immigration Reform and Control Act of 1986 (IRCA). The I-687 application was denied by the Regional Processing Facility in Lincoln, Nebraska, on April 2, 1990, for failure of the applicant to establish that he entered the United States before January 1, 1982 and resided in this country in an unlawful status continuously until the date the application was filed, as required in the Act and its implementing regulations. See 8 C.F.R. § 245a.2(b). In particular, the decision cited the definition of "resided continuously in the United States," set forth in 8 C.F.R. § 245a.1(c)(1), as precluding any single absence exceeding 45 days and total absences exceeding 180 days, unless the applicant can establish that "emergent reasons" prevented a timely return. The applicant was absent from the United States for 356 days, from February 2, 1984 to January 24, 1985, and failed to establish that "emergent reasons" were responsible for his untimely return.

There is no provision in the LIFE Act which authorizes the reopening or reconsideration of applications previously denied under IRCA. Nor does the applicant's prior IRCA application constitute a claim for class membership in one of the subsequent legalization class-action lawsuits, *CSS*, *LULAC*, or *Zambrano*. An alien must have filed a claim for class membership in one of those three lawsuits before October 1, 2000 to be eligible for permanent resident status under section 1104(b) of the LIFE Act (which was enacted on December 21, 2000).

The applicant did not even assert in his LIFE application (Form I-485), much less submit any documentary evidence, that he filed a claim for class membership in one of the legalization class-action lawsuits. All of the documentation submitted by the applicant in this proceeding relates to his earlier application (Form I-687) under IRCA. Since the applicant had a pre-existing A-file from his IRCA application, any written claim for class membership in *CSS*, *LULAC*, or *Zambrano* would almost certainly have been incorporated in the file. But there was no such class membership claim in the applicant's file, or even a reference to any of the legalization class-action lawsuits, at the time the instant LIFE application was filed on May 31, 2002. That was long after the statutory deadline of October 1, 2000 to file a claim for class membership in one of the legalization lawsuits.

In his appeal the applicant refers to legalization interviews that were cited in the Notice of Decision, issued on March 7, 2003. The decision does refer to two G-56 appointment notices issued to the applicant, dated June 17, 1988 and September 8, 1988, scheduling interviews for June 28, 1988 and October 13, 1988, respectively. Those appointments were scheduled and conducted during the adjudication of the earlier IRCA application. They are completely unrelated to any claim for class membership in one of the legalization lawsuits, which is the basis for legalization under the LIFE Act.

Thus, the record fails to establish that the applicant before October 1, 2000 filed a written claim for class membership in one of the legalization class-action lawsuits, *CSS*, *LULAC* or *Zambrano*, as required for him to be eligible for legalization under section 1104(b) the LIFE Act.

Accordingly, 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.