

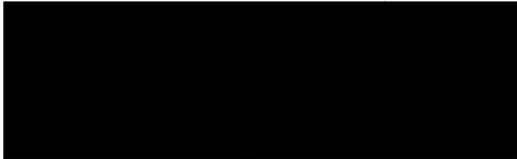
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**U.S. Citizenship  
and Immigration  
Services**



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, National Benefits 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 makes a reference to section 245(i) of the Immigration and Nationality Act (INA) and asserts that he is eligible for legalization under the LIFE Act because he has resided in the United States since 1982.

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.

On May 4, 1988, the applicant filed a Form I-687, Application for Status as a Temporary Resident under section 245A of the Immigration and Nationality Act (INA). The I-687 application was approved on January 9, 1990. On August 29, 1996 the applicant filed a Form I-698, Application to Adjust Status from Temporary to Permanent Resident. The application was denied by the Vermont Service Center on June 6, 1997, however, because it was not filed within 43 months after the approval of the application for temporary resident status (*i.e.*, by August 9, 1993), as required by 8 C.F.R. § 245a.2(u)(1)(iv). The applicant appealed the decision, but the appeal was dismissed by the Legalization Appeals Unit (the AAO's predecessor office) on February 23, 1999.

The applicant's I-687 filing in 1988 was the first step in the process of seeking permanent resident status under section 245A of the INA, which was enacted as part of the Immigration Reform and Control Act of 1986 (IRCA). It did not constitute a claim for class membership in one of the subsequent legalization class action lawsuits, *CSS*, *LULAC*, or *Zambrano*, as required for an alien to be eligible for permanent resident status under section 1104(b) of the LIFE Act, enacted on December 21, 2000.

Though the applicant asserted on his LIFE Act application (Form I-485) that he was "applying under CSS," he has submitted no documentary evidence that he ever filed a claim for class membership in that lawsuit. Nor does Citizenship and Immigration Services (successor to the Immigration and Naturalization Service) have any record of receiving a claim for class membership from the applicant. Since the applicant had a pre-existing A-file from his earlier I-687 application, any written claim for class membership in *CSS* would almost certainly have been incorporated in the file. But there was no such class membership claim or even a reference to *CSS* in the applicant's file until the instant LIFE application was received on March 25, 2002. That was nearly a year and a half after the statutory deadline of October 1, 2000 to file a claim for class membership in *CSS* or one of the other legalization lawsuits.

No new evidence has been submitted on appeal with respect to the asserted claim for class membership in *CSS*. As for the applicant's reference to section 245(i), that is a part of the INA that was slightly modified by

section 1502 of the LIFE Act. It does not relate to the Late Legalization provisions enacted in section 1104 of the LIFE Act.

Thus, the record fails to establish that the applicant 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.

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.