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



U.S. Citizenship
and Immigration
Services

[Redacted]

FILE:

[Redacted]

Office: National Benefits Center

Date: APR 21 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.

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. 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 he has already submitted documentation addressing the requirement of applying for class membership. He requests that this documentation be reviewed again and that further consideration be given to his case.

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 identified "*CSS vs. Meese*" in his I-485 application as the basis of his eligibility for legalization under the LIFE Act. The applicant has submitted no documentary evidence, however, that he ever filed a claim for class membership in that lawsuit. There is no record at Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service, that the applicant filed any claim for class membership in CSS before the statutory deadline of October 1, 2000. In fact, CIS has no record of any communication from the applicant until the instant LIFE application was filed on August 16, 2002. That was nearly two years after the statutory deadline to file a claim for class membership in CSS, or one of the other legalization lawsuits.

In his appeal the applicant asserts that the documentation previously submitted demonstrates that he submitted a "request for classification." The applicant complains that he has not been given any specifics as to why his LIFE application was denied. Contrary to the applicant's contention, the Notice of Decision explained that the application was being denied because none of the documentation submitted by the applicant or on record with the Immigration and Naturalization Service (now CIS), established that a timely claim for class membership had been filed - *i.e.*, prior to October 1, 2000 - in one of the requisite 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.

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.