

L2

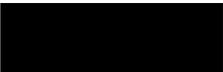
U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



U.S. Citizenship
and Immigration
Services



FILE:



Office: NATIONAL BENEFITS CENTER

Date:

APR 21 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

PUBLIC COPY
Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

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, the applicant asserts that "I am a 245A member category" without further explanation. The applicant claims that he was submitting a separate brief or evidence. However, the record contains no brief or evidence and to date, no such correspondence has been provided.

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) (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 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 does not even assert, much less submit any documentary evidence, that he had filed a written claim to class membership in any of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, prior to October 1, 2000, as required to be eligible for legalization under section 1104 of the LIFE Act. The Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS) does not have any record of receiving a claim for class membership from the applicant. Nor is there any record of the applicant filing a Form I-687 application under section 245A of the Immigration and Nationality Act (the Act). It is noted that if the applicant had in fact filed a Form I-687 application and was approved, such action would have been the first step in the process of seeking permanent resident status under the statutory provisions of the Immigration Reform and Control Act of 1986 (IRCA). It would not have constituted a claim filed with the Attorney General (*i.e.*, with the legacy Immigration and Naturalization Service) for class membership in one of the subsequent legalization class action lawsuits, *CSS*, *LULAC*, or *Zambrano*.

As such, the record fails to establish that the applicant filed a timely written claim for class membership in any of the legalization class action lawsuits as required in section 1104(b) of the LIFE Act. For failure to meet this statutory requirement, the applicant is ineligible for permanent residence status under section 1104 of the LIFE Act.

Beyond the decision of the director, it must be noted that the applicant indicated on his Form I-485 LIFE Application that he last entered the United States on January 1, 1989. Pursuant to 8 C.F.R. § 245a.11(b), each applicant must demonstrate that he or she entered the United States prior to January 1, 1982. Throughout the application process, the applicant has not presented any evidence of an earlier entry into the United States. As the appeal will be dismissed on the grounds discussed above, this issue need not be examined further.

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