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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

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 record did not establish that the applicant had applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On the appeal form the applicant states that "I am a 245 category," without further explanation. Although the applicant indicated on his appeal form that he was submitting a separate brief or evidence with the appeal, no such materials have been filed.

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 does not even assert, much less submit any supporting documentation, that he filed a written claim for class membership in one of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, prior to October 1, 2000, as required to be eligible for legalization under section 1104(b) of the LIFE Act. Nor is there any evidence in the record that the applicant's wife [REDACTED] with whom he is applying, filed a claim for class membership in one of the legalization lawsuits.

In his appeal the applicant simply states that he is "a 245 category." He is presumably referring to section 245A of the Immigration and Nationality Act (INA), which was added to the INA by the Immigration Reform and Control Act of 1986 (IRCA) and allowed certain individuals residing unlawfully in the United States to apply for legalization. The first step in that process was to apply for temporary resident status (on Form I-687) during a one-year filing period from May 5, 1987 to May 4, 1988. There is no record that the applicant filed a Form I-687 under section 245A of the INA (IRCA). Even if he had, that action would have been the first step in the process of seeking permanent resident status under the statutory provisions of IRCA. It would not have constituted a claim filed with the Attorney General (*i.e.*, with the former INS, now CIS) for class membership in one of the subsequent legalization class action lawsuits, *CSS*, *LULAC*, or *Zambrano*. As previously indicated, there is no evidence that the applicant or his wife ever filed a claim for class membership in one of those lawsuits.

Thus, the record fails to establish that the applicant filed a written claim for class membership in one of the legalization lawsuits 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.