



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: [Redacted] Office: NATIONAL BENEFITS CENTER Date: **AUG 10 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 office that originally decided your case. If your appeal was sustained, or if your case 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.

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Robert P. Wiemann, Director
Administrative Appeals Office

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prevent identity misappropriation
invasion of personal privacy

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits Center, and is now before the Administrative Appeals Office (AAO) 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 indicates that the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) has committed an error with regard to the determination that records do not exist that establish his eligibility for permanent residence under the LIFE Act.

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 has neither claimed nor documented that he applied for class membership. The record reflects all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership. Rather, such check revealed that the applicant had been assigned the Administrative number, or A-number, [REDACTED] when he was granted employment authorization on April 23, 2001. The record shows that the applicant's employment was authorized under category C09, as a result of having previously filed a separate Form I-485, Application to Register Permanent Residence or Adjust Status, at the Service's New York City District Office on March 8, 2001. Category C09 employment authorization has never been issued to class members and is the general classification for applicants with a pending family based Form I-485 application. Given his failure to document that he timely filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

It is noted that an applicant for permanent resident status under section 1104 of the LIFE Act must establish entry into the United States before January 1, 1982 and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. 8 C.F.R. § 245a.11(b). On the two Form I-485 LIFE Act applications contained in the record, the applicant specifically acknowledges that he entered and began residing in the United States on September 2, 1982. In addition, the record contains photocopied pages of the applicant's Peruvian passport and I-94, Record of Arrival-Departure, both of which reflect that he first entered the United States as a B-2 visitor at Miami, Florida on September 2, 1982. Accordingly, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act on this basis as well.

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