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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services



WZ

AUG 25 2004
Date:

FILE: [Redacted] Office: NATIONAL BENEFITS CENTER

IN RE: Applicant: [Redacted]

PETITION: 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. All documents have been returned to the office that originally decided your case. 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, 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 asserts that he has attempted to acquire additional evidence which should serve to establish his having filed a timely claim for class membership in the CSS legalization class-action lawsuit.

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.

With his LIFE application, the applicant the following:

- a photocopy of a notice from the New York City Legalization Office of the Immigration and Naturalization Service or INS (now, Citizenship and Immigration Services or CIS). The notice confirms the applicant having applied for legalization under the Immigration Reform and Control Act of 1986 (IRCA); and
- a photocopied a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was filed by the applicant on May 4, 1988.

This documentation relates to the prior adjudication of a separate application he had submitted for temporary resident status under section 245A of the Immigration and Nationality Act (INA). The record indicates that the applicant had timely filed his application for temporary resident status under section 245A of the INA on May 4, 1988. That application was subsequently denied by the Director, Eastern Regional Processing Facility, on December 18, 1989. In any case, an application for legalization under section 245A of the INA does not constitute an application for class membership in any of the legalization class-action lawsuits. Furthermore, section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of a timely filed and previously denied application for temporary resident status under section 245A.

Subsequently, in response to the notice of intent to deny, the applicant submitted a handwritten personal statement in which he asserts that, through the auspices of St. Joseph's Roman Catholic Church, he filed a timely application for class membership in the Catholic Social Services (CSS) legalization class-action

lawsuit. However, the applicant has submitted no independent, corroborative evidence to support this assertion.

Given his failure to establish that he filed a timely written claim for class membership in CSS or in any of the aforementioned legalization class-action lawsuits, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

Furthermore, under section 1104(c)(2)(B)(i) of the LIFE Act each applicant for permanent resident status must establish that he or she entered and commenced residing in the United States *prior to January 1, 1982*. The record includes a G-325A Biographic Information Form, in which the applicant indicates he resided in his native Ecuador from April 1955 until April 1986. This information is supported by the applicant's statement on appeal, in which he asserts that he has lived in the U.S. since April 1986. Given the applicant's inability to meet the statutory requirement of residence in the U.S. since before January 1, 1982, he 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.