



U.S. Citizenship  
and Immigration  
Services

12

[Redacted]

FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant: [Redacted]

AUG 31 2004

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

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prevent clearly unwarranted  
invasion of personal privacy

**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, instead of applying for adjustment under the LIFE Act, he actually seeks to apply for eligibility under the provisions of section 245(i).

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 failed to submit any documentation addressing this requirement when the application was filed. Furthermore, he has not provided any documentation regarding that point in response to the notice of intent to deny or on appeal. The applicant, on appeal, does not claim to have applied for adjustment based on having filed a written claim for class membership in any of the three legalization class-action lawsuits. Instead, he asserts that he is seeking to apply for eligibility under the provisions of section 245(i). Section 245(i), cited by the applicant on appeal, is a part of the Immigration and Nationality Act (INA) that was slightly modified by section 1502 of the LIFE Act. It does *not* relate to the Late Legalization provisions enacted in section 1104 of the LIFE Act.

Although the applicant, on appeal, indicates he is seeking to file under section 245(i) of the INA, he had previously specified on his Form I-485 LIFE Application at part 2, item 1, section h that he was applying on the basis of eligibility under Late Legalization. Under section 1104(b) of the LIFE Act, an applicant for eligibility for adjustment to permanent resident status must establish having filed a written claim for class membership in one of the requisite legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, before October 1, 2000. There is no evidence in the record that the present applicant has filed any such claim.

Given his failure to establish that he filed a timely written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

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