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U.S. Citizenship  
and Immigration  
Services



FILE: [Redacted]

Office: National Benefits Center

Date: FEB 12 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:



**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.

A handwritten signature in cursive script, appearing to read "Robert P. Wiemann for".

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. The matter is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant had not established 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, counsel asserts that the Child Status Protection Act applies to adjustment of status applications under the LIFE Act. Counsel indicated that a legal brief would be submitted by June 16, 2003, but no such brief has been filed up to the date of this decision.

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 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 assert in his LIFE application, or anywhere else in the record, that he filed a written claim for class membership in any of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*. The applicant has submitted no documentation indicating that he filed such a claim for class membership, and CIS records do not reveal that any such claim was filed. The record does include some documents concerning the Replenishment Agricultural Worker (RAW) program, which is unrelated to the legalization class-action lawsuits. Counsel has not provided any legal brief or other explanation as to how the Child Status Protection Act creates any rights for the applicant in the instant proceeding under the LIFE Act. Counsel's request that this LIFE Act application be considered under an entirely different section of law cannot be honored.

In addition to the failure to establish that he filed a claim for class membership in one of the requisite legalization lawsuits, the applicant states in a Form I-134, Affidavit of Support, he filed with the government in 2002 that he has resided in the United States since December 1986. Under section 1104(C)(2)(B)(i) of the LIFE Act, however, an alien must establish that he or she entered the United States before January 1, 1982, and resided in this country continuously in an unlawful status through May 4, 1988. The applicant, therefore, did not reside unlawfully in the United States for the requisite time period to be eligible for legalization under the LIFE Act.

Given his failure to meet the requirements discussed above, 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.