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Washington, DC 20536



U.S. Citizenship
and Immigration
Services

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FEB 12 2004

FILE:

Office: NATIONAL BENEFITS CENTER

Date:

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. Wiermann, 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 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 appeal, the applicant asserts that he is "a 245A category member Catholic Social Services," without further details. Although the applicant states on his appeal form that he was submitting a separate brief or evidence, no such materials have been provided as of this date.

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.

Along with his LIFE application the applicant submitted a photocopy of Form I-797C, Receipt Notice, allegedly reflecting that the original form was mailed to the applicant by this agency's California Service Center on November 30, 1995. The notice indicates that the applicant had filed a Form I-765, Application for Employment Authorization. The regulation at 8 C.F.R. § 245a.14 indicates that an employment authorization document which shows an alien's Alien Registration Number (or A-number) may be good evidence if it was issued pursuant to the alien's having applied for class membership in one of the legalization class-action lawsuits. In this case, however, the receipt notice, if authentic, simply indicates that the applicant had applied for employment authorization. It does not establish that the employment authorization application was filed in connection with a request for class membership in one of the legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*.

The applicant's brief statement on appeal that he is a "245A category member Catholic Social Services" implies that he applied for class membership in *CSS*, though it fails to provide any details about the circumstances and time frame thereof. The applicant has submitted no documentary evidence, however, that he actually filed a written claim for class membership in the *CSS* lawsuit with the Attorney General (*i.e.*, with the former Immigration and Naturalization Service, now Citizenship and Immigration Services, or CIS), as required to be eligible for legalization under section 1104(b) of the LIFE Act. Nor are there any records within CIS which demonstrate that the applicant applied for class membership in *CSS*.

Given the applicant's failure to establish that he filed written claim for class membership in any of the aforementioned legalization class-action lawsuits prior to October 1, 2000, he is ineligible for permanent resident status under section 1104 of the LIFE Act.

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