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**U.S. Citizenship
and Immigration
Services**

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LD

FEB 24 2004

FILE: [REDACTED]

Office: National Benefits Center

Date:

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 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. 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. It 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, the applicant asserts that he went in February 1988 to Catholic Social Services in Brooklyn, New York, which assisted him in filing an application for class membership in the CSS lawsuit. Later, in 1990, the applicant asserts that he went to an Immigration Center in Hialeah, Florida, "to reapply" and was given a questionnaire to fill out. That questionnaire, entitled "Form for Determination of Class Membership in CSS v. Meese," had already been submitted by the applicant with his LIFE application.

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.

As evidence of his alleged claim for class membership in CSS, the applicant submitted with his LIFE application a photocopy of the above-mentioned Form for Determination of Class Membership in CSS v. Meese. Though it bears the applicant's signature and the handwritten date "10 - 1990," Citizenship and Immigration Services (formerly the Immigration and Naturalization Service) has no record of receiving the questionnaire in October 1990 or any time prior to the filing of the instant LIFE application in June 2002.

More importantly, the applicant makes a fatal admission in the Form for Determination of Class Membership in CSS v. Meese. In response to the question of when he first entered the United States, the applicant answered "1-18-1986." Section 1104(c)(2)(B)(i) of the LIFE Act, however, requires that an applicant have entered the United States before January 1, 1982 and resided in this country continuously in an unlawful status through May 4, 1988.

It is clear, therefore, that the applicant did not reside in the United States for the requisite time period to be eligible for permanent resident status under section 1104 of the LIFE Act.

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