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U.S. Department of Homeland Security  
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Washington, DC 20536

U.S. Citizenship  
and Immigration  
Services

[REDACTED]

FILE:

[REDACTED]

Office: National Benefits Center

Date: JAN 13 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:

[REDACTED]

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 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's representative submitted photocopies of various documents pertaining to a previous application filed under section 245A of the Immigration Reform and Control Act of 1986 (IRCA), which allegedly "shows that [the applicant] was register[ed] for the Late Amnesty of 1982 to 1988."

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 record shows that the applicant filed a Form I-687, Application for Status as a Temporary Resident, on May 4, 1988, as the first step in seeking legalization under section 245A of IRCA. That application was denied on December 26, 1989, for failure of the applicant to establish that he had resided in the United States continuously in an unlawful status from January 1, 1982 until the date the application was filed, as required in the Act and the implementing regulations. See 8 C.F.R. § 245a.2(b). It was noted in the decision that the applicant claimed to have entered the United States illegally on August 17, 1983. The applicant furnished no evidence, despite a specific request to do so, that he also resided in the United States during the time period January 1, 1982 to August 17, 1983. The applicant filed an appeal on October 22, 1993, nearly four years after the decision was rendered, without specifying the grounds therefor. On May 11, 1998, the appeal was dismissed by the AAO as untimely because it was not filed within 30 days after service of the notice of appeal, as required under 8 C.F.R. § 245a.2(p).

Thus, the record does establish that the applicant filed an application for legalization in 1988, as alleged in the instant appeal. That action, however, was the first step in the process of seeking permanent resident status under the statutory provisions of IRCA. It did not constitute a claim for class membership in one of the subsequent legalization class action lawsuits in the federal court system, *CSS*, *LULAC*, or *Zambrano*, as required for an alien to be eligible for legalization in accordance with section 1104(b) of the LIFE Act.

The applicant failed to submit any documentation addressing the requirement of class membership when the current LIFE application was filed. Furthermore, he has not provided any documentation regarding that point on rebuttal or on appeal. Given his failure to document, or even assert, that he filed a written claim for class membership in the *CSS*, *LULAC*, or *Zambrano* lawsuit, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

Moreover, the record in the applicant's prior IRCA application indicates that he would also be ineligible under the LIFE Act for failure to satisfy the U.S. residency requirement. Like IRCA, the LIFE Act requires that the applicant have lived in the United States continuously in an unlawful status from January 1, 1982 through May 4, 1988. See section 1104 (c)(2)(B)(i) of the LIFE Act. Since the applicant has failed to document, or even claim,

that he resided in the United States before August 17, 1983, the record does not establish that he resided unlawfully in the United States for the requisite time period to be eligible for legalization under the LIFE Act.

For the reasons discussed above, it is concluded that 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.