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



LR

MAR 18 2004

FILE:

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant:

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

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits 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 in 1987, he had filed for "late amnesty."

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 or, subsequently, in rebuttal to the notice of intent to deny. On appeal, the applicant asserts that in 1987, he had filed for "late amnesty." However, the applicant's assertion on appeal is at variance with information he provided previously on his LIFE application, in which he specified he had filed under "late amnesty" in 1990. In any case, the applicant has submitted no independent, corroborative evidence establishing his having previously filed either an application for legalization under section 245A of the Immigration and Nationality Act (INA) or an application for class membership. Nor are there any records with Citizenship and Immigration Services (CIS) which demonstrate that he ever applied for legalization during the May 5, 1987 to May 4, 1988 application period, or that he ever requested class membership in any of the aforementioned class-action lawsuits prior to October 1, 2000.

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

It is further noted that an applicant for permanent resident status under section 1104 of the LIFE Act must establish entry into the United States before January 1, 1982 and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. 8 C.F.R. § 245a.11(b). In his appeal statement, the applicant specifically acknowledges that he first entered and began residing in the United States in 1986. Accordingly, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act on this basis as well.



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