



U.S. Citizenship
and Immigration
Services

[Redacted]

La

FILE:

[Redacted]

Office: National Benefits Center

Date:

11/11/04

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 was reopened and denied again by the Director, National Benefits Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The directors 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, counsel submits an affidavit from the applicant dated January 15, 2004 explaining that on October 13, 1992, when he attempted to attend an appointment for a LULAC interview, a security guard stopped him from entering the building because his appointment had been cancelled. The applicant states that the security guard indicated that he would be receiving a notice for a rescheduled appointment in the near future and that he should come back at that time.

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 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.

Pertinent regulations provide an illustrative list of documents that an applicant may submit to establish that he or she filed a written claim for membership before October 1, 2000. The regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14. Furthermore, those regulations require Citizenship and Immigration Services (CIS) to determine whether an alien filed a written claim for class membership as reflected in CIS indices and administrative files.

Pursuant to 8 C.F.R. § 245a.14(b), an applicant may submit, as evidence of having filed for class membership, any relevant document(s) which acknowledge his class membership. In this case, the applicant submitted a copy of a notice requesting that he report to the Miami District Office of the Immigration and Naturalization Service (INS), the predecessor of CIS. The reason for the appointment was simply "LULAC." The notice instructed the applicant to bring with him "This letter, all ID, Complete application packet & applicable fees (if any) and one extra photo of yourself." On the basis of this interview notice and his statement on appeal, it is determined that the applicant filed a timely claim for class membership in a legalization class-action lawsuit, as set forth in 8 C.F.R. § 245a.14(b).

However, the regulations at 8 C.F.R. § 245a.11(b) require each applicant to demonstrate that he or she entered the United States prior to January 1, 1982. On his G-325A Biographic Information Form that he completed on October 26, 2001, the applicant stated that he resided abroad until March 1989 when he first entered the United States from Mexico. Given this person's inability to meet this requirement, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

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