



U.S. Citizenship
and Immigration
Services



LA

FILE:



Office: National Benefits Center

Date:

11/14/04

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.

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. The directors also found that the applicant was ineligible to adjust status under section 245A of the Immigration and Nationality Act because he had been convicted of one felony and three misdemeanors while inside the United States.

On appeal, the applicant states that he and his wife came to this country in 1986. The applicant further states that he filed under "LULAC" but, unfortunately, he did not save all of his records. The applicant requests that his application be approved.

An applicant for permanent resident status under section 1104 of the LIFE Act must establish that he or she has not been convicted of a felony or of three or more misdemeanors committed in the United States. *See* section 1104(c)(2)(D)(ii) of the LIFE Act and 8 C.F.R. § 245a.11(d)(1). On appeal, the applicant provides no evidence to overcome the finding of the directors concerning his convictions. Therefore, it is determined that his application may not be approved for this reason.

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

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. Furthermore, he has not provided any documentation regarding that point on rebuttal or on appeal. There are no records within Citizenship and Immigration Services demonstrating that he requested class membership. Given this failure to document that he filed a timely written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act for this second reason.

Additionally, 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 the first page of his Form I-485 Application to Register Permanent Resident or Adjust Status he completed on April 27, 2002, when explaining his basis of eligibility, the applicant stated "Here since 1986." Also, on appeal, the applicant confirms that he and his wife came to this country in 1986. In this case, the applicant entered the United States subsequent to January 1, 1982 and is not able

to meet the above requirement. Therefore, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act for this final reason.

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