

Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Division of Personal Privacy

U.S. Department of Homeland Security  
20 Mass. Rm. A3042, 425 I Street, N.W.  
Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

Handwritten signature or initials

[Redacted]

FILE: [Redacted] Office: NATIONAL BENEFITS CENTER Date: 10/10/2004

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: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case 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.

Handwritten signature of 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, 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 he should be considered a class member because he attempted to file an application for temporary residence under section 245A of the Immigration and Nationality Act (INA) as a CSS class member on October 17, 1996. The applicant contends that he appeared for an interview on this date at the Legalization Office of the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) located in Los Angeles, California. The applicant includes photocopies of previously submitted documents.

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.

With his LIFE application, in response to the director's notice of intent to deny, and now on appeal, the applicant has submitted photocopies of documents that tend to establish that he made a written claim for class membership in CSS/LULAC prior to October 1, 2000. Therefore, it must be concluded that the applicant has overcome the basis of denial cited by the director.

Although not noted by the director, each applicant for permanent resident status must establish that he or she entered and commenced residing in the United States prior to January 1, 1982, pursuant to section 1104(c)(2)(B)(i) of the LIFE Act. Furthermore, 8 C.F.R. § 245a.11(b) requires that such applicants must establish continuous residence in the United States in an unlawful status since such date through May 4, 1988.

The record reflects that the applicant had previously filed a Form I-589, Request for Asylum in the United States, and corresponding supporting documents on August 9, 1993. The asylum application and supporting documents were contained in a separate file, [REDACTED] and this file has now been consolidated into the current record of proceedings. On the Form G-325A, Record of Biographic Information, that was included with the asylum application, the applicant specifically acknowledged that he had resided in his native Mexico from his date of birth on February 26, 1970, until 1988. As the applicant acknowledged that he did not enter and begin residing in United States in an unlawful status since prior to January 1, 1982 through May 4, 1988, as required under section 1104(c)(2)(B)(i) of the LIFE Act and 8 C.F.R. § 245a.11(b), the applicant is ineligible for permanent resident status.

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