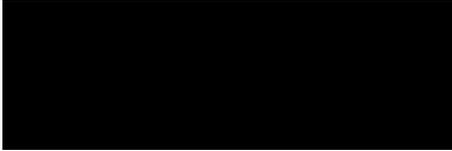


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**U.S. Citizenship
and Immigration
Services**

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



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FILE:



Office: National Benefits Center

Date: JUN 23 2004

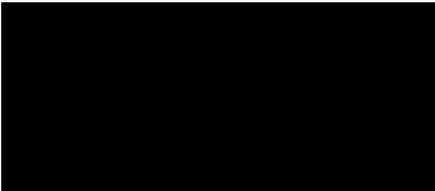
IN RE:

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:



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 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, 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, the applicant states the Service abused its discretion in the director's decision to deny his application. The applicant further states he is a class member in the law suit "(CSS)(LULAC)." The applicant argues that his proof is an appointment letter that he received in 1990 to appear at an interview where he was "refused" by a receptionist before he was even given a chance to be interviewed.

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. On rebuttal to a notice of intent to deny, the applicant provided a photocopied G-56 appointment notice with no official signature block from the Legalization office in Paterson, New Jersey that the applicant indicates was sent to him to for the purpose of a legalization interview. The appointment notice is not addressed to the applicant and carries a birth date of "8/21/90" which is not the applicant's date of birth.

Citizenship and Immigration Services (CIS), successor to the INS, has no record of receiving any documents from the applicant until the instant LIFE application was filed on July 23, 2001. To be eligible for permanent resident status under section 1104(b) of the LIFE Act the applicant must show that after failing to file for legalization during the May 5, 1987 and May 4, 1988 period, he filed a claim for class membership in one of the legalization lawsuits sometime before October 1, 2000. The applicant has not furnished any evidence, such as a postal receipt or an acknowledgement letter from the INS, that any forms were filed with the INS on a date before October 1, 2000. As indicated above, CIS has no record of receiving any documents from the applicant until the instant LIFE application was filed in July 2001, long after the statutory deadline to file a claim for class membership one of the legalization lawsuits. Accordingly, the applicant is ineligible for permanent resident status under section 1104(b) of the LIFE Act.

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