



U.S. Citizenship
and Immigration
Services



FILE: [Redacted] Office: National Benefits Center Date: [Redacted]

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:



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

Administrative Appeals Office
Department of Homeland Security
Investigation of Overseas Privileges

U.S. CITIZENSHIP AND IMMIGRATION SERVICES

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 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, counsel states the applicant has been a resident in the United States since 1982 and that he filed a late amnesty application in 1990. Counsel further states that his date of birth is September 1, 1964 and not November 1, 1964 as his records indicate. Counsel submits a copy of the applicant's passport to substantiate his assertion. Counsel argues that a search of the records with the correct date of birth and relevant information would establish his client's claim.

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. Furthermore, other than his own assertions, he has not provided any documentation regarding that point on rebuttal or on appeal. There are no records within Citizenship and Immigration Services relating to a request for class membership by the applicant. 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.

Section 1104(c)(2)(B)(i) of the LIFE Act provides that 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*. On the applicant's Form G-325A Biographic Information signed by him on March 18, 1992, the applicant stated that he resided abroad from birth until December 1989 when he entered the United States from Mali to reside in New York City. On appeal, counsel states that the applicant has been a resident in the United States since 1982. Under either circumstance, the applicant does not meet the statutory requirement of residence in the United States since before January 1, 1982. Therefore, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act for this additional reason.

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