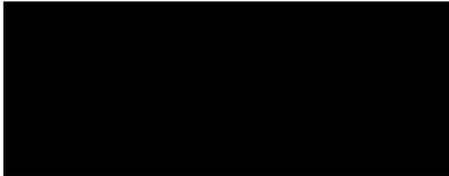




U.S. Citizenship
and Immigration
Services

L-2



2/21/04

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

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 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

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prevent identity theft

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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 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 states that he has been in this country since 1984, and that he has sent proof of his residence. The applicant further states that he and his wife now have four United States citizen children and requests that his application be approved.

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 photocopy of a letter to the applicant from the Missouri Service Center dated December 4, 2002 denying the applicant's Form I-765, Application for Employment Authorization, because "Neither Service records nor the documents submitted with the application establish that you have filed a claim for class membership in one or more of the lawsuits noted above, prior to October 1, 2000."

The letter from the Missouri Service Center denying the applicant's employment request does not substantiate that the applicant made a timely written claim for class membership. To be eligible for permanent resident status under section 1104(b) of the LIFE Act the applicant must show that after failing to file 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.

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.

It is noted that the applicant was granted *temporary* residence as a special agricultural worker on June 14, 1990. Provided he maintained such status, he would have subsequently adjusted to *permanent* resident status, pursuant to 8 C.F.R. 210.5(a)(2). The applicant should file a Form I-90 with Citizenship and Immigrant Services in order to secure proof of his lawful permanent resident status.

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