



U.S. Citizenship
and Immigration
Services

L-2

[Redacted]

FILE: [Redacted] Office: National Benefits Center Date: July 30 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:

[Redacted]

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

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PROCESSED COPY

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, counsel references the applicant's A-number as proof that he is a class member in the requisite legalization class-action lawsuits.

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. The 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 relating to a request for class membership by the applicant. In fact, when he was processed as a deportable alien in 1997, he made no claim to have previously applied for class membership.

On appeal, counsel cites the applicant's Alien Registration Number (A-number, or file number) in an attempt to show he had applied for class membership. According to counsel, to apply for class membership, a person usually filled out an Application for Temporary Resident Status (Form I-687) and submitted it to the Immigration and Naturalization Service (INS). Counsel states that usually, when people filed the I-687, they were given an INS "A" or alien number and that A-numbers assigned to CSS, LULAC and Zambrano applicants by the Houston, Texas office of INS usually commenced with the numerical prefix "93" [the applicant's A-number before file consolidation was ██████████]. According to counsel, this combined with the other submitted evidence should be sufficient to establish the applicant meets the statutory requirement for eligibility under the LIFE Act.

However, while some ██████████ numbers were issued to CSS, LULAC and Zambrano applicants, other ██████████ numbers were issued to aliens when they applied for permanent residence under the LIFE Act. That is the case here; once the applicant filed his LIFE application, CIS proceeded to create file ██████████ and assigned that A-number to the applicant. That file was later consolidated into ██████████.

Given his failure to credibly establish having filed a timely written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

The record reflects that the applicant was found inadmissible to the United States and an order for his removal was issued on July 4, 1997 because he attempted to enter the country using someone else's alien registration card. His removal from this country was verified on July 7, 1997, and he was prohibited from entering, attempting to enter, or being in the United States for a period of five years from that date. As he is clearly ineligible for the benefit sought for the reasons specified above, this inadmissibility will not be discussed further.

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