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U.S. Department of Homeland Security
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Washington, DC 20536

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

prevent clearly and substantiated
invasion of personal privacy



FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

MAR 01 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 National Benefits Center. 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, 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 the director's decision denying his application is incorrect and that the evidence he has submitted should serve to establish both his residence in the U.S. since February 1966 and his eligibility for permanent resident status under the LIFE Act as one who has filed a timely written claim for class membership.

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, he has not provided any documentation regarding that point on rebuttal or on appeal. An examination of the record discloses that the applicant had previously filed a timely application for temporary resident status under section 245A of the Immigration and Nationality Act (INA), and this application was subsequently denied. The applicant appealed the denial of his application, and his appeal was subsequently dismissed by the AAO. In any case, an application for temporary residence under section 245A of the INA does not constitute an application for class membership in any of the legalization class-action lawsuits. Moreover, section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of such proceedings.

The documentation provided by the applicant, while it might serve as evidence of identity or residency, fails to establish that he filed a timely application for class membership in any of the legalization class-action lawsuits. Nor are there any records within CIS which demonstrate the applicant having applied for class membership. Given that, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

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