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

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[Redacted]

FILE: [Redacted] Office: NATIONAL BENEFITS CENTER

Date: **MAR 04 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 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, counsel for the applicant makes reference to a prior proceeding, specifically, a November 5, 1998 termination of the applicant's temporary resident status. Counsel asserts that the applicant did not file an appeal of the termination because he never received an appeal notice from the Immigration and Naturalization Service (now, Citizenship and Immigration Services or CIS). However, an examination of the record of proceedings discloses that, according to standard procedure, the Notice of Termination clearly informed the applicant of his right to appeal to the AAO within 30 days by completing, in triplicate, the enclosed Forms I-694, Notices of Appeal. As such, the applicant's right to due process in this proceeding had not been violated.

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 or in rebuttal to the initial notice of intent to deny. The applicant does provide documentation relating to the prior adjudication of a separate application he had submitted for temporary resident status under section 245A of the Immigration and Nationality Act (INA). A review of the record shows that the applicant timely filed his application for temporary resident status under section 245A of the INA, and that the application was granted. The record also indicates that the applicant's temporary resident status was subsequently terminated due to his failure to file an application for adjustment of status from temporary to permanent residence within the 43-month application period, as required. In any case, such an application does not constitute a written claim for class membership in a legalization class-action lawsuit. Furthermore, section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of a timely filed application for temporary resident status under section 245A of the INA.

Given his failure to establish having filed a timely written claim for class membership, 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.