

Administrative Appeals Office
National Benefits Center
U.S. Citizenship and Immigration Services

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

U.S. Citizenship
and Immigration
Services

[Redacted]

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

IN RE: Applicant: [Redacted]

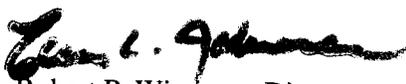
APPLICATION: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT:

[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. Wiermann, 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. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant had not established 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 that the applicant "did not apply for membership in the legalization class action lawsuits . . . because he was unaware of the need to file for membership."

An applicant for permanent resident status under section 1104 of 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 one 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 section 1104(b) of the LIFE Act and 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 record indicates that the applicant did file a timely application on May 3, 1988 (Form I-687) for temporary resident status under section 245A of the Immigration and Naturalization Act (INA), which was enacted as part of the Immigration Reform and Control Act of 1986 ("IRCA"). The application was denied by the Regional Processing Facility in Dallas, Texas, on May 19, 1988, because the record failed to establish that the applicant had resided in the United States in a continuous unlawful status from before January 1, 1982, as required by the statute. The applicant appealed the decision, and the Legalization Appeals Unit (predecessor office of the AAO) remanded the case on March 9, 1990. After the applicant failed to respond to a request for further evidence, however, the Southern Regional Processing Facility once again denied the application on July 17, 1990. An application under section 245A of the INA does not constitute a claim for class membership in one of the legalization lawsuits required to be eligible for permanent resident status under the LIFE Act.

The applicant did not assert in his LIFE Act application (Form I-485), nor has he submitted any documentary evidence, that he filed a claim for class membership in any of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*. Since the applicant had a pre-existing A-file based on his earlier IRCA application, a subsequent written claim for class membership in one of the legalization lawsuits would almost certainly have been incorporated in the file. But there was no such claim in the file at the time the instant LIFE application was filed in May 2002. Indeed, counsel acknowledges in this appeal that the applicant never filed a claim for class membership.

Thus, the applicant has failed to establish that before October 1, 2000 he filed a written claim for class membership in one of the legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, as required under section 1104(b) of the LIFE Act.

Accordingly, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

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