



U.S. Citizenship
and Immigration
Services

Administrative Appeals Office
National Benefits Center
Washington, DC 20536
APR 10 2004

Handwritten initials or signature

[Redacted]

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

Handwritten signature of Robert P. Wiemann

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. The matter 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, the applicant asserts that he filed a claim for class membership in the *CSS* lawsuit, *infra*, before October 1, 2000. The applicant also resubmitted a photocopy of a 1991 interview notice from the Immigration and Naturalization Service (INS) in reference to his earlier asylum application, but contends that he never intended to apply for political asylum and thought he was applying for amnesty at that time.

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 applicant, a native of Gambia, filed an application for asylum (Form I-589) on June 19, 1991. That application does not constitute a claim for class membership in one of the legalization lawsuits required to be eligible for permanent resident status under section 1104(b) of the LIFE Act. Though the applicant asserts that he filed a claim for class membership in *CSS* before October 1, 2000, he has submitted no documentary evidence thereof. Since the INS opened an A-file for the applicant when his asylum application was filed in 1991, any subsequent written claim for class membership in *CSS*, or either of the other legalization lawsuits, would almost certainly have been incorporated in the file. But there was no such claim in the applicant’s file at the time the instant LIFE application was filed in March 2002. Thus, the applicant has failed to establish that he filed a claim for class membership in *CSS* before October 1, 2000, as the LIFE Act requires.

Furthermore, under section 1104(c)(2)(B)(i) of the LIFE Act an alien must establish that he or she entered the United States before January 1, 1982, and resided in this country continuously in an unlawful status through May 4, 1988. In the Form G-325A (Biographic Information) he submitted with his asylum application in 1991, however, the applicant stated that he resided in Gambia until November 1988. Therefore, he did not enter the United States before January 1, 1982 and did not reside unlawfully in this country for the requisite time period of before January 1, 1982 to May 4, 1988, as the LIFE Act requires.

Given his failure to meet the requirements discussed above, 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.