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U.S. Citizenship  
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**MAY 13 2004**

FILE:

Office: National Benefits Center

Date:

IN RE: Applicant:

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:

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. 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.

In his appeal, filed on June 11, 2003, the applicant asserted that "a claim was made for him in December of 1989." Though counsel indicated on the appeal form that a brief and/or evidence would be submitted within 30 days, so such brief or evidence has been submitted up to the date of this decision.

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.

In an affidavit accompanying his LIFE application the applicant asserted that he applied for class membership in one of the legalization lawsuits, without identifying which one, in December 1989. The applicant has submitted no documentation in support of his alleged claim for class membership, however, and there is no record at Citizenship and Immigration Services (successor to the Immigration and Naturalization Service) that the applicant filed an application in 1989, as alleged. In fact there is no record of any filing by the applicant until the instant LIFE application was filed on June 1, 2002. That was more than a year and a half after the statutory deadline of October 1, 2000, to file a claim for class membership in one of the legalization lawsuits. Thus, the applicant has failed to establish that he filed a written claim for class membership in any of the legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, before October 1, 2000, as required under section 1104(b) of the LIFE Act.

Furthermore, under section 1104(c)(2)(B)(i) of the LIFE Act an applicant must establish that he or she entered the United States before January 1, 1982 and resided in this country continuously in an unlawful status from before January 1, 1982 through May 4, 1988. In the aforementioned affidavit the applicant indicated that he has resided in the United States since December 1989. The record also shows that the applicant was born on January 29, 1988. Thus, the applicant did not enter the United States before January 1, 1982 and did not reside in this country continuously from before January 1, 1982 through May 4, 1988, as required under section 1104(c)(2)(B)(i) of the LIFE Act.

For the reasons 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.