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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services



FILE:



Office: NATIONAL BENEFITS CENTER

Date: MAY 18 2004

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:

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 [REDACTED] 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 [REDACTED] and, therefore, denied the application.

On appeal, the applicant asserts that he had filed an application for class [REDACTED] and is, therefore, eligible for permanent resident status under the LIFE Act.

An applicant for permanent resident status under the LIFE Act must establish that before [REDACTED] he or she filed a written claim with the [REDACTED] for class membership in any of the following legalization class-action lawsuits: [REDACTED]

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. The record does contain a photocopy of a notice reflecting that the applicant was to be interviewed [REDACTED] (now, Citizenship and Immigration Services or CIS) regarding the matter of his adjustment of status. However, this notice pertains to a prior Service proceeding concerning a Form I-589 asylum application filed by the applicant, and has no bearing on, or relevance to, the filing of any application for class membership.

Given his failure to establish that he filed a timely written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

It is further noted that an applicant for permanent resident status under section 1104 of the [REDACTED] establish entry into the [REDACTED] continuous residence in the United States in an unlawful status since such date and through [REDACTED] 8 C.F.R. § 245a.11(b). On page 1 of the applicant's LIFE Act application, he specified that he first entered the U.S. in 1986. Accordingly, he is ineligible for permanent residence under section 1104 of the LIFE Act on this basis as well.

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