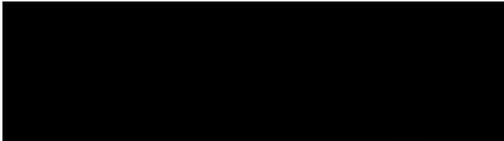




U.S. Citizenship
and Immigration
Services



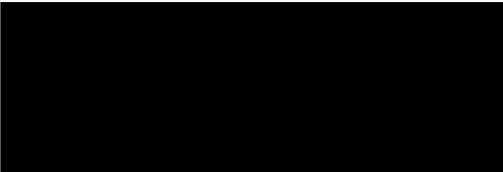
LA

FILE: [Redacted] Office: NATIONAL BENEFITS CENTER Date: MAY 16 2009

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:



Some data related to this document is withheld pursuant to the Privacy Act of 1974. This information is being disclosed to you on an unclassified basis. This information is not to be disseminated outside the Department of Homeland Security.

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

PUBLIC COPY

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Missouri Service Center, reopened, and denied again by the Director, National Benefits Center. The matter is now before the Administrative Appeals Office 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, from the initial Notice of Decision, the applicant asserted that he is eligible for permanent resident status under the LIFE Act. The applicant further asserted that his only evidence of applying for class membership is correspondence from Citizenship and Immigration Services (CIS).

Neither counsel nor the applicant has addressed the subsequent Notice of Decision nor provided any evidence to overcome the director's findings.

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) (*Zambano*). In the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership in a legalization class-action lawsuit before October 1, 2000. 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 indicated on his LIFE application that his spouse was applying for adjustment of status under the provisions of the LIFE Act. CIS records, however, do not reveal any evidence that the applicant's spouse had filed a timely written claim to class membership.

Along with his LIFE application, the only document the applicant submitted was a G-325A Biographical Information Form. In response to the initial Notice of Intent to Deny issued on January 22, 2002, counsel asserted in a letter that he was enclosing evidence establishing that the applicant had applied for class membership prior to October 1, 2000. A review of the record, however, does not reflect counsel provided any evidence.

In response to the subsequent Notice of Intent to Deny issued on June 16, 2003, counsel submitted a copy of: 1) his letter submitted in response to the Notice of Intent to Deny; 2) the initial Notice of Intent to Deny; 3) a Notice of Decision regarding the denial of Form I-765 Application; 4) a Form I-797C, Notice of Action issued on November 23, 2001 informing the applicant that his Form I-485 Application had been received; and 5) a Form I-797C, Notice of Action issued on November 25, 2001 informing the applicant his Form I-765 Application had been received. These documents do not establish that a timely written claim for class membership was filed prior to October 1, 2000.

There is no record of CIS generating any "correspondence" prior to the filing of the applicant's Form I-485 Application. As such, counsel's assertion on appeal has no merit. Furthermore, CIS records fail to establish that the applicant filed a timely written claim for class membership on any of the legalization class action lawsuits as required in section 1104(b) of the LIFE Act.

Given his failure to document that he 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.