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



U.S. Citizenship  
and Immigration  
Services

[Redacted]

FILE:

[Redacted]

Office: National Benefits Center

Date: MAY 19 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.

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.

On appeal, the applicant asserts that his wife applied for class membership in the *Zambrano* lawsuit, *infra*, during the 1980s and that he has derivative class membership status through her.

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 shows that the applicant’s wife, [REDACTED] filed a Form I-687, Application for Status as a Temporary Resident, on May 4, 1988, under section 245A of the Immigration and Nationality Act (INA), which was enacted as part of the Immigration Reform and Control Act of 1986 (IRCA). The section 245A application was denied on October 17, 1991, for failure of the applicant to appear for a series of scheduled interviews. The application for temporary resident status filed by the applicant’s wife in 1988 was the first step in seeking legalization under the statutory provisions of IRCA. The 1988 application does not constitute a claim for class membership in one of the subsequent legalization class action lawsuits, *CSS*, *LULAC*, or *Zambrano*, as required for an alien to be eligible for permanent resident status under section 1104(b) of the LIFE Act. Nor does the LIFE Act contain any provision allowing for the reopening or reconsideration of an application for temporary resident status under section 245A of the INA.

The applicant mentions *Zambrano* for the first time on appeal, but he submits no evidence that his wife filed a claim for class membership in that lawsuit during the 1980s, as alleged. In fact, the LIFE application filed by the applicant’s wife is being denied for lack of evidence that she filed a claim for class membership in any of the three legalization lawsuits before October 1, 2000. Nor does Citizenship and Immigration Services, successor to the Immigration and Naturalization Service, have any record that the applicant filed a claim for class membership in his own right. Thus, the record fails to establish that the applicant or his wife filed a claim for class membership before October 1, 2000 in *Zambrano*, or either of the other legalization lawsuits, *CSS* or *LULAC*, 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 through May 4, 1988. In his LIFE application, however, the applicant indicated that he has been in the United States since 1987. Thus, it is clear that the applicant does not fulfill the statutory requirements of having entered the United States before January 1, 1982 and having resided in this country unlawfully from before January 1, 1982 through May 4, 1988.

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.