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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

[Redacted]

FILE:

[Redacted]

Office: National Benefits Center

Date: MAY 18 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 record did not establish that the applicant had resided unlawfully in the United States for the requisite time period of before January 1, 1982 through May 4, 1988, or that the applicant applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000. Accordingly, the application was denied.

In his appeal, filed on May 8, 2003, the applicant states "late amnesty, I am a 245A category member" as the reason for his appeal, without further explanation. Although the applicant states on his appeal form that he was submitting a separate brief or evidence, no such materials have been filed 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 addition, an applicant for permanent resident status under section 1104 of the LIFE Act must establish that he or she entered the United States before January 1, 1982 and resided in this country in an unlawful status continuously through May 4, 1988. See section 1104(c)(2)(B)(i) of the LIFE Act and 8 C.F.R. § 245a.11(b).

The applicant does not even assert, much less submit any supporting documentation, that he filed a written claim for class membership in any of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, prior to October 1, 2000, as required under section 1104(b) of the LIFE Act. Nor does Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service (INS), have any record that the applicant filed a claim for class membership. Thus, the record fails to establish that the applicant filed a timely written claim for class membership in one of the legalization lawsuits.

In his appeal the applicant states simply that he is applying for "late amnesty" as "a 245A category member." That is the section of the Immigration and Nationality Act (INA) that was added by the Immigration Reform and Control Act of 1986 (IRCA), allowing certain individuals residing unlawfully in the United States to apply for legalization. The first step in that process was to apply for temporary resident status (Form I-687) during a one-year filing period from May 5, 1987 to May 4, 1988. There is no record that the applicant filed a Form I-687 under section 245A of the INA (IRCA). Even if he had, that action would have been the first step in the process of seeking permanent resident status under the statutory provisions of IRCA. It would not have constituted a claim filed with the Attorney General (*i.e.*, with the INS, now CIS) for class membership in one of the subsequent legalization lawsuits.

Furthermore, the applicant acknowledges in a personal affidavit as well as a Form G-325A (Biographic Information) submitted in this proceeding that he resided in Mexico until October 1988 and did not enter the United States until January 1989. Thus, the applicant does not satisfy the requirements of section 1104(c)(2)(B)(i) of the LIFE Act because he did not enter the United States before January 1, 1982 and did not live in this country continuously in an unlawful status 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.