

Identifying data deleted to
prevent identity unwarranted
invasion of personal privacy

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



U.S. Citizenship
and Immigration
Services

PUBLIC COPY

MAY 25 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:

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, 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 to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant makes reference to his having filed for adjustment of status under section 245(i) of the Immigration and Nationality Act (INA).

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) (Zambrano). 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 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. In response to the director's notice of intent to deny, counsel submitted a statement in which he asserted that the applicant had applied for class membership in CSS and LULAC on December 31, 1998, but his application was denied. However, counsel has provided no independent, corroborative evidence to support such assertion. Subsequently, on appeal, the applicant makes reference to his having filed for adjustment of status under section 245(i) of the Immigration and Nationality Act (INA). However, this is a wholly separate type of proceeding which is unrelated to the applicant's having applied for adjustment to permanent resident status under section 1104 of the LIFE Act.

Given his failure to even claim, much less 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.

The applicant, on appeal, also asserts that he is the beneficiary of an approved labor certification petition. Documentation in the record indicates that an I-140 employee petition filed on behalf of the applicant has, in fact, been approved. Accordingly, the applicant may wish to direct an inquiry to the National Visa Center (NVC) of the Department of State regarding the current availability of visa numbers.

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