



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

SEP 01 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:

[Redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case 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

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**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

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, counsel reiterates the claim that it is the applicant's belief he previously filed for class membership. Counsel declares that the applicant is unable to locate any evidence to support this claim.

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 document that he had applied for class membership in any of the requisite legalization lawsuits with his LIFE Act application. Rather, the applicant provided documentation relating to the prior adjudication of the separate application for temporary resident status (legalization) under section 245A of the Immigration and Nationality Act (INA). Such documentation was also provided in response to the notice of intent to deny. The record reflects that the applicant timely filed his application for temporary resident status under section 245A of the INA. This legalization application was denied on March 23, 1990. The applicant appealed the denial of the legalization application and this appeal was subsequently dismissed by the AAO on May 19, 1993. Section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of the matter, as the original application for temporary resident status under section 245A of the INA had been filed by the applicant in a timely manner.

The fact that an alien filed a timely legalization application does not establish eligibility to adjust to permanent residence under the LIFE Act. The legalization class-action lawsuits discussed above relate to aliens who claim they did not file applications in the 1987-1988 period because they were improperly dissuaded by Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) from doing so. Neither the applicant nor counsel provided any explanation as to why the applicant would have sought membership in the legalization class-action lawsuits as he had not been improperly dissuaded by the Service and did file a timely legalization application.

The record reflects all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership. Given his failure to document that he timely filed a 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.