



U.S. Citizenship
and Immigration
Services

LA

[REDACTED]

FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER Date: SEP 03 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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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, the applicant reiterates his claim that he is eligible for permanent residence under the LIFE Act, and that he has submitted all available documents demonstrating such eligibility.

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 neither claimed nor documented that he applied for class membership with his current LIFE Act application. Subsequently, in response to the notice of intent to deny, the applicant included photocopies of documents issued to the applicant by the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS), which relate to a previous LIFE Act application that he had filed. The record shows that the applicant was assigned the Administrative number, or A-number, A93 413 901, when he initially filed both a Form I-485, LIFE Act application (with receipt number MSC-02-054-63253) and corresponding Form I-765, Application for Employment Authorization, (with receipt number MSC-02-054-63254) with the Service on November 23, 2001. The record further shows that this initial LIFE Act application was subsequently denied by the Service on August 20, 2002, because the applicant had failed to supply previously requested information and his application had been deemed abandoned pursuant to 8 C.F.R. § 103.2(b)(13). A review of the applicant's initial LIFE Act application and supporting documents fails to reveal any evidence that the applicant filed a written claim in any of the requisite class-action lawsuits prior to October 1, 2000.

The record reflects that all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership in a timely manner prior to October 1, 2000. 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.