



U.S. Citizenship
and Immigration
Services

L2



FILE: [Redacted] Office: Los Angeles

Date: SEP 03 2004

IN RE: Applicant: [Redacted]

PETITION: 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. All documents have been returned to the office that originally decided your case. 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

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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 District Director, Los Angeles. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The district director denied the application because the applicant had not demonstrated that he had continuously resided in the United States in an unlawful status from before January 1, 1982 through May 4, 1988.

On appeal, the applicant asserts that the district director's decision denying his application is erroneous and that he is in full compliance with the instructions to Form I-485, which, according to the applicant, indicate that eligibility for LIFE legalization requires an alien to have "continuously resided in the U.S. up to October 1, 2000."

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.

An applicant for permanent resident status under section 1104 of the LIFE Act must establish entry into the United States before *January 1, 1982* and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. 8 C.F.R. § 245a.11(b). On the applicant's G-325A Biographic Information Form, he specified that he had resided in the Philippines from October 1978 until April 1988. This information provided by the applicant is supported by his own subsequent testimony at his adjustment interview, as well as his appeal statement, where he acknowledged having left the Philippines for the United States on *April 17, 1988*.

The applicant, on appeal, asserts that he is in compliance with the instructions to the Form I-485 Application to Register Permanent Resident or Adjust Status. According to the applicant, these instructions indicate that an eligible applicant for LIFE legalization is only required to have "continuously resided in the U.S. up to October 1, 2000." The applicant's interpretation is based on a flawed reading of these instructions, which he has included along with his appeal, with relevant portions highlighted. The *actual* text of the relevant instructions to the I-485 indicates that (1) a written claim to class membership must be filed with the Attorney General prior to October 1, 2000, and (2) an eligible applicant must have entered the U.S. prior to January 1, 1982, and resided continuously in the U.S. in an unlawful status since that date through May 4, 1988. Clearly, the applicant is unable to meet this residence requirement.

Given the applicant's inability to meet the residence requirement, he 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.