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FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER Date: **AUG 11 2006**
MSC 03 251 61503

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. 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, Chief
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits 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 acknowledges that he never filed a written claim to class membership in a legalization class-action lawsuit. Rather, the applicant contends that he is applying for permanent resident status under the provisions of the LIFE Act because section 245(i) of the Immigration and Nationality Act (INA) allowed him to adjust to such status as he was the beneficiary of a previously filed Form I-130, Petition for Alien Relative, which had been approved. The applicant submits documentation in support of his appeal.

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 applicant neither claimed nor documented that he filed a written claim to class membership in one of the requisite legalization class-action lawsuits with his Form I-485 LIFE Act application.

The applicant specifically acknowledges that he never filed a written claim to class membership in a legalization class-action lawsuit on appeal. The applicant contends that he is applying for permanent resident status under the provisions of the LIFE Act because section 245(i) of the Immigration and Nationality Act (INA) allowed him to adjust to such status as he was the beneficiary of a previously filed Form I-130, Petition for Alien Relative, which had been approved. However, section 1104(b) of the LIFE Act states in pertinent part:

An alien is an eligible alien described in this subsection if, before October 1, 2000, the alien filed with the Attorney General a written claim to class membership, with or without filing fee, pursuant to a court order pursuant to a court order issued in the case of-

- (1) *Catholic Social Services, Inc. v. Meese, vacated sub nom. Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993);
- (2) *League of United Latin American Citizens v. INS, vacated sub nom. Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993);

- (3) *Zambrano v. INS, vacated sub nom. Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993) (*Zambrano*).

Given the applicant's own admission that he never applied for class membership in a legalization class-action lawsuit, the applicant is ineligible for permanent residence under section 1104(b) of the LIFE Act.

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