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Department of Homeland Security  
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U.S. Citizenship  
and Immigration  
Services

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FILE:

MSC 03 240 60842

Office: CLEVELAND

Date:

APR 02 2008

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:



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, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Cleveland, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be rejected.

The district director denied the application because the applicant failed to demonstrate that he filed a written claim for class membership in the *Catholic Social Services, Inc. (CSS)*, *League of United Latin American Citizens (LULUC)*, or *Zambrano* legalization class action lawsuits.

On appeal, counsel for the applicant contends that the district director failed to properly weigh the evidence.<sup>1</sup> Counsel asserts that the submitted evidence sufficiently meets the applicant's burden to establish his eligibility for adjustment of status. Counsel also asserts that the applicant violated his lawful status during the requisite period by failing to properly register for the minimum course load, accepting unauthorized employment, and enrolling in another university without explicit permission.

In a Notice of Certification, dated February 15, 2008, the director certified her decision to the AAO for review. The director gave the applicant and counsel of record proper notice of the certification. The applicant had an opportunity to supplement the record within 30 days of notice of the certification. On certification, the AAO affirmed the director's decision denying the application. Subsequent to the AAO's decision, the AAO received an appeal filed by counsel. The regulations do not establish any procedure by which an applicant may file an appeal on a certified decision.

The law provides a single level of administrative appellate review of decisions in LIFE Act cases. Section 1104(f) of the LIFE Act; Section 245A(f)(3), 8 U.S.C. 1255a(f)(3). The AAO affirmed the director's decision on certification. The AAO's decision is final. The materials submitted on appeal were considered and will remain part of the record. As the applicant failed to establish a written claim for class membership, counsel's assertions that the applicant was in an unlawful status during the requisite period is moot.

Based on the above discussion, the applicant is not eligible for adjustment to permanent resident status under section 1104 of the LIFE Act.

**ORDER:** The appeal is rejected.

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<sup>1</sup> The record reflects that the applicant submitted a Form G-28, Notice of Entry of appearance as Attorney or Representative, indicating change of counsel on March 6, 2008.