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

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ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536



FILE: 

Office: MISSOURI SERVICE CENTER

Date: AUG - 5 2003

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: Self-represented

PUBLIC COPY

INSTRUCTIONS: Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was initially denied for abandonment, reopened, and denied again by the Director, Missouri Service Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

In his subsequent decision, 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 asserted that she had resided in the U.S. since December 1988 and that she has family members who are dependent on her for their support.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). In the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership before October 1, 2000. However, the applicant must establish that the family relationship existed at the time the spouse or parent initially attempted to apply for temporary residence (legalization) in the period of May 5, 1987 to May 4, 1988. 8 C.F.R. § 245a.10.

At the time the application was filed, the applicant failed to submit documentation regarding this point. Subsequently, in response to the Bureau's Notice of Intent to Deny, the applicant submitted a December 4, 1995 decision by the Immigration Judge and related material regarding a prior deportation hearing involving the applicant. However, these documents do not constitute evidence of having filed a timely written claim for class membership.

The applicant's Form I-485 LIFE application indicates she is applying for permanent resident status under the LIFE Act along with her spouse. However, the director, in his decision, determined that there was no evidence the applicant's spouse had ever filed a timely written application for class membership.

In addition, in Part I of her I-485 application, the applicant stated that her date of last arrival in the U.S. was December 4, 1988. Subsequently, on appeal, the applicant asserted that she had been residing in the U.S. "since December 1988." There is no

evidence in the record of proceedings to indicate the applicant resided in the U.S. *prior to* December 1988. Pursuant to 8 C.F.R. § 245a.11(b), each applicant is required to demonstrate that he or she entered the United States prior to January 1, 1982. Given the applicant's inability to meet this requirement, along with her failure to claim or document that she or her spouse had filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

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