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U.S. Department of Homeland Security

Citizenship and Immigration Services

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



FILE

Office: NATIONAL BENEFITS CENTER

Date: DEC 01 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).

IN BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

Attached is the decision rendered on your appeal. 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, Director
Administrative Appeals Office

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

In both decisions, the directors concluded the applicant had not established that she 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 from the initial denial, the applicant states that she has provided documentation that establishes that she registered for class membership. Any material subsequently submitted by the applicant has been incorporated into her 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), *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). 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.

In support of her application, the applicant submitted documentation that pertained to her having filed a Form I-687 Application for Status as a Temporary Resident on February 24, 1988. Included was a photocopy of an employment authorization card. Citizenship and Immigration Services (CIS) records show that the application was denied on December 7, 1992 for failure to respond to a request for additional evidence. The applicant's appeal of that decision was subsequently denied.

On rebuttal to the notice of intent to deny, the applicant resubmitted a copy of the employment authorization card. On appeal, the applicant furnished another copy of the employment authorization card as well as copies of the December 7, 1992 denial notice and a July 24, 2002 memo stating that her appeal was denied on October 2, 1998. These documents relate to the applicant's Form I-687 legalization application. They do not provide any proof that the applicant filed a claim to class membership. An alien whose

legalization application was timely filed and accepted would not therefore have had a need to join a lawsuit with those who were not permitted to apply. The applicant filed an application and received a decision on it. She was not denied the opportunity to do so, which is what the legalization class-action lawsuits related to.

Given her failure to document that she filed a timely 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.