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U.S. Department of Homeland Security

Citizenship and Immigration Services

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

NOV 06 2000

FILE:  Office: NATIONAL BENEFITS CENTER

Date:

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:

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 denied by the Director, Missouri Service Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director 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, counsel states that the applicant apparently attempted to file a 245A claim but was "front-desked" prior to October 1, 2000 and that the decision did not adequately deal with this issue. Counsel also requested an additional 60 days in which to submit a brief and/or evidence. To date, more than five months later there has been no further response from counsel or the applicant.

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 a personal statement in which she asserted that she had filed for class membership in one of the above mentioned cases in December 1989. The applicant stated she was attaching proof of this claim, but the record indicates that she has only provided a completed Form I-134 Affidavit of Support, the first page of her 2001 Form 1040 U.S. Individual Tax Return, photocopies of her husband's wage and earning statements, her State of Kansas driver's license issued July 20, 1999, her birth certificate with translation, school records, and her immunization record. However, none of these documents indicate that the applicant had filed a written claim for class membership.

In rebuttal to the notice of intent to deny, the applicant submitted a letter from counsel requesting additional time in which to respond to the notice and a photocopy of Citizenship and

Immigration Services' (CIS) response to her Freedom of Information Act (FOIA) request. Neither counsel nor the applicant has provided a subsequent response to the notice. Thus, the applicant has not furnished any documentation regarding her claim for class membership on rebuttal or on appeal.

Given her failure to document that she filed a 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.