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U.S. Department of Homeland Security
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Washington, DC 20536

**U.S. Citizenship
and Immigration
Services**

[Redacted]

FILE:

[Redacted]

Office: National Benefits Center

Date: **APR 13 2004**

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:

[Redacted]

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 for

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. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant had not established 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 requests that the applicant be granted the opportunity to adjust her status on humanitarian grounds and asserts that she filed a timely claim for class membership in the *CSS* lawsuit, *infra*, before October 1, 2000.

An applicant for permanent resident status under section 1104 of 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 one 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 section 1104(b) of the LIFE Act and 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.

Counsel asserts that the applicant attempted to apply for legalization under section 245A of the Immigration and Nationality Act during the original filing period between May 1987 and May 1988, but the INS office in Philadelphia told her she did not qualify for legalization and rejected her Form I-687 application. According to counsel, the applicant later returned to that INS office and filed her claim for class membership in *CSS* "before October 2000." Counsel asserts that the applicant was told she would receive an appointment at a later date, but never heard from the INS thereafter.

The only documentation in the record relating to the above described events is a Form I-687. The form is neither signed by the applicant nor dated, however, much less authenticated by a notary public. Thus, there is no evidence that it was filled out in 1987 or 1988 for presentation to the INS at that time. Nor is there any evidence that this I-687 form, or any other form of written claim for class membership in *CSS*, was subsequently submitted to the INS before October 1, 2000. The applicant has produced no letter of acknowledgement from INS, and there is no record at Citizenship and Immigration Services (successor to the INS) of any written claim for class membership from the applicant before the statutory deadline of October 1, 2000. In fact, the agency has no record of any contact from the applicant until June 7, 2002, when the instant LIFE application was filed along with the unsigned and undated Form I-687. That was long after the statutory deadline of October 1, 2000, to file a claim for class membership in one of the legalization lawsuits.

Thus, the record fails to establish that the applicant filed a written claim for class membership in *CSS*, or either of the other two legalization lawsuits, prior to October 1, 2000, as required under section 1104(b) of the LIFE Act.

Accordingly, the applicant is ineligible for permanent resident status under section 1104 of the Act.

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