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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
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: Self-represented

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.

for
Robert P. Wiemann

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, the applicant reasserts that she is eligible for adjustment of status under the LIFE Act and resubmits photocopies of some materials already in the record. They include a letter to the applicant from the Immigration and Naturalization Service (INS) in 1988 "acknowledging receipt of your application for legalization," the first page of the applicant's Form I-687 application to the INS in 1988, the applicant's employment authorization card in 1988, a letter from INS to the applicant in 1989 requesting her school records from 1983 to 1986, and assorted school records from that time period.

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 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.

The record shows that the applicant filed a Form I-687, Application for Status as a Temporary Resident, on May 4, 1988, as the first step in seeking legalization under section 245A of the Immigration and Nationality Act (INA). That application was denied on December 7, 1992, for failure of the applicant to submit certain documentation requested by the INS to establish her eligibility for legalization. An application for legalization under section 245A of the INA (*i.e.*, during the original filing period of May 5, 1987 to May 4, 1988) does not constitute a claim for class membership in any of the subsequent legalization class-action lawsuits, *CSS*, *LULAC*, or *Zambrano*, as required under section 1104(b) of the LIFE Act. Nor does the LIFE Act contain any provision allowing for the reopening or reconsideration of an application for temporary resident status under section 245A of the INA.

The applicant does not even assert, much less submit any supporting documentation, that she filed a written claim for class membership in any of the three legalization lawsuits prior to October 1, 2000, as required to be eligible for legalization under section 1104(b) of the LIFE Act. Nor does Citizenship and Immigration Services (successor to the INS) have any record of receiving a claim for class membership from the applicant. The documents the applicant resubmitted on appeal all pertain to her earlier application for legalization under section 245A of the INA, which was denied in 1992 for lack of evidence.

Thus, the record fails to establish that the applicant filed a written claim for class membership in one of the legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, as required under section 1104(b) of the LIFE Act.

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

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