



U.S. Citizenship
and Immigration
Services

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LA



FILE: 

Office: National Benefits Center

Date: **APR 15 2004**

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

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, the applicant requests that her case be reconsidered and that she be notified as to "what happened to my original amnesty application." The applicant states that "[a]ll this time I was under the impression that amnesty had been granted and [was] never notified that I had to file any written claim for class membership."

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 applicant has not asserted, much less submitted any documentary evidence, that she applied for class membership in any of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*. Nor is there any record at Citizenship and Immigration Service (CIS), successor to the Immigration and Naturalization Service, that the applicant applied for class membership in one of the requisite lawsuits. Thus, there is no basis to grant the applicant permanent resident status under the LIFE Act. Accordingly, this appeal of the director's decision denying the LIFE application (Form I-485) must be dismissed.

According to the applicant's A-file, however, she obtained permanent resident status in another proceeding. The record indicates that in February 1988 the applicant filed a Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker (SAW), under section 210 of the Immigration and Nationality Act (INA). The "case review worksheet" in the file and CIS electronic records show that the I-700 (SAW) application was granted by the Southern Regional Processing Facility on June 15, 1989. Furthermore, under section 210(a)(2) of the INA, the applicant had her temporary resident status adjusted to permanent resident status. If she has not done so already, the applicant should contact her local CIS office in Miami, Florida, to obtain Form I-90. She may then file Form I-90 with CIS to secure documentary proof of her status.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility under the LIFE Act.