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FILE: [Redacted]

Office: National Benefits Center

Date: APR 15 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.

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 states that she "did not know anything about" the class-action legalization lawsuits and acknowledges that she "never filed a written claim for class membership." According to the applicant, the lawyers she retained in earlier proceedings, prior to her current LIFE Act application, "never informed me about class membership & Life Act." The applicant refers to a "non-processed" waiver application "which would have made me eligible for Amnesty of 1986."

An applicant for permanent resident status under section 1104 of the LIFE Act must establish that he or she before October 1, 2000 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 27, 1988, as the first step in seeking legalization under section 245A of the Immigration and Nationality Act (INA). Section 245A was added to the INA by the Immigration Reform and Control Act of 1986 (IRCA). The I-687 application was denied by the Regional Processing Facility in Williston, Vermont, on June 26, 1989, for failure of the applicant, who came to the United State in 1979 as a J-1 nonimmigrant exchange visitor, to obtain a waiver of the two-year foreign residency requirement under section 212(e) of the INA, as required for past or present J-1 visa-holders to establish eligibility for temporary resident status under section 245A of the INA. See 8 C.F.R. § 245a.2(b)(4). The applicant filed an appeal, which was dismissed by the Legalization Appeals Unit (LAU), the AAO's predecessor office, on June 21, 1993. A subsequent request by the applicant to have the LAU reopen or reconsider her case *sua sponte* was rejected by the LAU on April 29, 1996.

There is no provision in the LIFE Act which authorizes the reopening or reconsideration of applications previously denied under IRCA. Nor does the applicant's prior IRCA application constitute a claim for class membership in one of the subsequent legalization class-action lawsuits, *CSS*, *LULAC*, or *Zambrano*. An alien must have filed a claim for class membership in one of those three lawsuits before October 1, 2000 to be eligible for permanent resident status under section 1104(b) of the LIFE Act (which was enacted on December 21, 2000).

The applicant did not assert in her LIFE application (Form I-485), nor has she submitted any documentary evidence, that she filed a claim for class membership in one of the legalization class-action lawsuits. All of the documentation submitted by the applicant in this proceeding relates to her earlier legalization application (Form I-687) under IRCA and the related waiver application. Since the applicant had a pre-existing A-file from her IRCA application, any written claim for class membership in *CSS*, *LULAC*, or *Zambrano* would almost certainly have been incorporated in the file. But there was no such class membership claim in the applicant's file, or even a reference to any of the legalization class-action lawsuits, at the time the instant

LIFE application was filed on January 14, 2002. Indeed, the applicant acknowledges in her appeal that she never knew about the necessity of filing a claim for class membership before she filed her I-485 application under the LIFE Act.

Thus, the record fails to establish that the applicant filed a written claim for class membership in one of the legalization class-action lawsuits, *CSS*, *LULAC* or *Zambrano*, before October 1, 2000, as required for her to be eligible for legalization under section 1104(b) 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.