



U.S. Citizenship  
and Immigration  
Services

[Redacted]

AUG 25 2004

FILE: [Redacted] Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant: [Redacted]

PETITION: 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. All documents have been returned to the office that originally decided your case. 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

Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

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**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Acting Director, National Benefits Center, and is now before the Administrative Appeals Office (AAO) 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, the applicant asserts that, except for brief trips, she has resided continuously in the U.S. since 1979, and requests that her application be reconsidered.

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) (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 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.

With her LIFE application, the applicant submitted the following:

- A photocopy of a Legalization Questionnaire which is signed by the applicant, but *not* dated; and
- A "Statement Of Facts," consisting of a personal affidavit from the applicant. In her statement, the applicant asserted that she first entered the U.S. on February 2, 1979. The applicant further asserted that in July 1988, she attempted to apply for legalization at the Van Nuys Legalization Office, only to be informed by an officer that she was ineligible due to having engaged in unauthorized travel. According to the applicant, she returned to the legalization office a few days later, only to be declared ineligible once again for the same reason.

An examination of the Legalization Questionnaire submitted by the applicant discloses that it bears "live" signatures of the applicant. As such, the questionnaire constitute an *original* document, rather than photocopy of what the applicant is claiming she had submitted previously. If the applicant had actually submitted any of this document in a timely fashion, *i.e.* prior to October 1, 2000, a file would have been created at that point and the questionnaire would be in the possession of Citizenship and Immigration Services (CIS), and the applicant would only have a photocopy to furnish now in this LIFE proceeding. An examination of CIS records fails to disclose any evidence of this applicant having previously filed such form. In fact, no CIS file was ever created in the name of the applicant until she filed her LIFE application on June 2, 2002.

The applicant's assertion, as set forth in her Statement of Facts, that her legalization application had been rejected twice in July 1988 by the Van Nuys, California Legalization Office can be neither confirmed nor denied based on the record. The applicant has provided no independent, corroborative evidence to support

this assertion. Moreover, an examination of CIS administrative and electronic records fail to indicate the applicant ever submitted an application for legalization. It should also be noted that the period for accepting applications for temporary residence (legalization) under the Immigration Reform and Control Act (IRCA) ran from May 5, 1987 to May 4, 1988. As such, an application for legalization submitted in July 1988 would *not* have been timely filed.

Given her failure to establish having filed a timely 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.