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U.S. Citizenship and Immigration Services

PUBLIC COPY

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[Redacted]

FEB 20 2004

FILE: [Redacted] Office: National Benefits Center Date:

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 asserts that the applicant submitted an earlier application and "was rejected during the amnesty program from May 1987 to May 1988." Later, in 1990, counsel asserts that the applicant reapplied at an INS office in New York City. According to counsel, an INS officer kept the applicant's documents and told her that she would receive an appointment date in the mail, which never came.

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.

The applicant submitted with her LIFE application a photocopy of a Form I-687, which is one of the documents listed in the above regulation which could be evidence of a written claim for class membership in *CSS*, *LULAC*, or *Zambrano*, but only if it is "submitted with the class membership application." See 8 C.F.R. § 245a.14(d)(6). Though counsel asserted that the applicant applied for class membership in *CSS/LULAC* sometime after the 1987-1988 time period, no documentary evidence thereof was submitted and there is no record at Citizenship and Immigration Services (formerly the Immigration and Naturalization Service) that any such application was filed. The applicant did not have a pre-existing A-file with CIS at the time she filed her LIFE application in June 2002. Moreover, the Form I-687 in the record is missing its final page with the spaces for the date and signature. Thus, it is impossible to determine when the photocopied document was completed. In any event, there is no record of its receipt by CIS at any time prior to the filing of the instant LIFE application in June 2002. This was well after the statutory deadline of October 1, 2000, set in section 1104(b) of the LIFE Act, for filing claims for class membership in one of the legalization lawsuits.

Though counsel asserts on appeal that the applicant, after being "rejected during the amnesty program," applied for class membership at a New York City INS office in 1990, no further documentation has been submitted to substantiate this claim. Accordingly, the record does not establish that the applicant filed a written claim for class membership in *CSS*, *LULAC*, or *Zambrano*, 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 the LIFE Act.

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