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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

U.S. Citizenship and Immigration Services
Division of Naturalization

L2



FILE: [Redacted]

Office: National Benefits Center

Date: 11 02 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 failed to establish that she or her husband, with whom she filed her LIFE application, had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000.

On appeal the applicant asserts that "when we applied for CSS late amnesty the officer there right away turn[ed] us down saying we didn't qualify because we had travel[ed] to Mexico."

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 has submitted no documentary evidence that she or her husband ever filed, or attempted to file, a claim for class membership in CSS, as alleged. There is no record at Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service, that the applicant or her husband filed any such application before October 1, 2000, as required to be considered as a timely claim for class membership in CSS. In fact, CIS has no record of any filing by the applicant until the instant LIFE application was filed on September 16, 2002. That was nearly two years after the statutory deadline of October 1, 2000 to file a claim for class membership in CSS, or one of the other legalization lawsuits.

Thus, the applicant has not established that she or her husband filed a written claim for class membership in CSS, or either of the other two legalization lawsuits, *LULAC* or *Zambrano*, before October 1, 2000, 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.