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**U.S. Citizenship
and Immigration
Services**

LA

FILE:

Office: Houston, Texas

Date **JUL 12 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:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the Houston District Office. 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 District Director in Houston, Texas. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

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 Missouri Service Center determined that the applicant filed a timely claim for class membership in CSS.

An applicant for permanent resident status under section 1104 of the LIFE Act must also establish that he or she entered the United States before January 1, 1982 and resided in this country continuously in an unlawful status from before January 1, 1982 through May 4, 1988. See section 1104(c)(2)(B)(i) of the LIFE Act and 8 C.F.R. § 245a.11(b).

In his decision the district director, noting inconsistencies in the applicant’s verbal testimony and documentation as to when she first entered and took up residence in the United States, found that the applicant failed to establish that she entered the United States before January 1, 1982 and resided in this country continuously through May 4, 1988. The applicant appealed, though she failed to state the reason(s) therefor and did not submit any brief or additional evidence.

As specified in the regulations: “If an appeal is filed from within the United States, it must be received by the [Immigration and Naturalization] Service [now Citizenship and Immigration Services, or CIS] within 30 calendar days after service of the Notice of Denial (NOD).” 8 C.F.R. § 245a.20(b)(1). “The 30 day period for submitting an appeal begins 3 days after the NOD is mailed.” *Id.* The Notice of Denial in this case is dated November 19, 2003. The applicant’s appeal (Form I-290B) was not received by the Houston District Office until December 24, 2003. That was 35 days after the date of the NOD. Accordingly, the applicant’s appeal was not timely filed and, as the regulation provides, “will not be accepted.” *Id.*

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