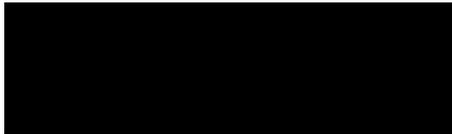




U.S. Citizenship
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prevent clearly unwarranted
invasion of personal privacy



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11 13 2004
Date:

FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

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

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Missouri Service Center. It was reopened and denied again by the Director, National Benefits Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

In both decisions, the directors 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 she never intended to apply for adjustment under the LIFE Act but, instead, seeks to apply for eligibility under the provisions of section 245(i). The applicant indicates that her mother, a U.S. citizen, had filed a Form I-130 relative petition filed on her behalf prior to January 14, 1998.

The applicant does not respond to the subsequent decision.

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. Alternatively, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership in one of the legalization lawsuits before October 1, 2000. 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.

The applicant, on appeal, does not claim to have applied for adjustment based on having filed a written claim for class membership in any of the three legalization class-action lawsuits. Instead, she asserts that she is seeking to apply for eligibility under the provisions of section 245(i). Section 245(i), cited by the applicant on appeal, is a part of the Immigration and Nationality Act (INA) that was slightly modified by section 1502 of the LIFE Act. It does *not* relate to the Late Legalization provisions enacted in section 1104 of the LIFE Act. In her appeal statement, the applicant claims that an I-130 Petition for Alien Relative was filed by her mother, a U.S. citizen, on her behalf. However, there is no indication in CIS records that such petition was ever filed. Instead, as noted in the director's decision, the record contains an Approval Notice for an I-130 petition filed on the applicant's behalf by her sister, which would place the applicant in the fourth preference category for Family Sponsored Preference Visas.

Although the applicant, on appeal, indicates she is seeking to file under section 245(i) of the INA, she had previously specified on her Application Form I-485 at part 2, item 1, section h that she was applying on the basis of eligibility for LIFE Late Legalization. Under section 1104(b) of the LIFE Act, an applicant for eligibility for adjustment to permanent resident status must establish having filed a written claim for class membership in one of the requisite legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, before October 1, 2000.

There is no evidence in the record that the present applicant or her spouse or any member of her immediate family has filed any such claim.

Given her failure to establish that she filed a timely 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.