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U.S. Citizenship
and Immigration
Services

LR

JAN 13 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

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 by the service center director 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 of the initial decision, the applicant asserted she had submitted sufficient documentation to establish her having filed a timely claim for class membership.

The applicant does not respond to the subsequent decision.

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.

The applicant failed to submit any documentation addressing this requirement when the application was filed. Subsequently, in rebuttal to the service center director's initial notice of intent to deny, the applicant submitted a photocopy of a July 22, 1992 letter from the Newark, New Jersey District Director of the Immigration and Naturalization Service or the Service (now, Citizenship and Immigration Services or CIS) to the applicant. This communication, in response to the applicant's request for a copy of her file pursuant to the Freedom of Information Act (FOIA), informs her that, while agency records reflect the existence of the requested file, attempts at locating it have been unsuccessful. A communication of this nature may be considered as evidence of an applicant having filed a written claim for class membership, pursuant to 8 C.F.R. § 245a.14(d). However, in this case, a review of CIS administrative and electronic records fails to disclose the existence of any file in the applicant's name *other* than that created in response to the filing of her LIFE application on October 24, 2001 --

The applicant has submitted no additional evidence which credibly establishes her having filed a timely claim for class membership in the CSS class-action lawsuit. Given this, 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.