



U.S. Citizenship
and Immigration
Services

L-2



FILE:



Office: National Benefits Center

Date:

APR 24 2004

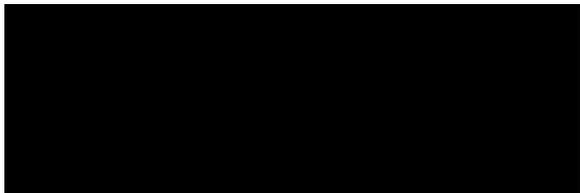
IN RE:

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 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

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

PUBLIC COPY

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

The director 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, counsel submits a copy of a letter dated September 29, 2003 to the El Paso, Texas office of Mexican Missions Ministries, Inc. requesting documents filed on August 11, 1994 by that corporation in the applicant's behalf on August 11, 1994. Counsel also submits a copy of a Form G-639 Freedom of Information/Privacy Act Request signed by the applicant on September 29, 2003. Counsel indicates that he has filed the G-639 with the Immigration and Naturalization Service (INS) and that he requires the receipt of the full INS file to submit a brief and an adequate informed response to the director's determination. Counsel states that the applicant has provided sufficient evidence regarding the length of her residence and employment history to be approved for CSS Class Membership.

On February 20, 2004, subsequent to the October 7, 2003 appeal filing date, counsel forwarded a response to the director's notice of intent to deny (NOID) dated July 16, 2003. In response to the NOID, counsel resubmitted a photocopy of a letter from Mexican Missions Ministries, Inc. in El Paso, Texas, dated August 11, 1994 addressed "to whom it may concern." Counsel submitted photocopies of the applicant's Mexican Consular and California State identification cards, her LIFE application and her biographic information. Counsel also submitted photocopies of nine affidavits from individuals concerning the applicant's employment and residence in the United States.

With the NOID, counsel also submits a foreign language document named "Hoja de Datom Para Application de Amnistia" containing biographic information for what appears to be the applicant's mother. The regulations at 8 C.F.R. § 103.2(b)(3) state that any document containing foreign language submitted to the Service shall be accompanied by a full English language translation which the translator has certified as complete and accurate, and by the translator's certification that he or she is competent to translate from the foreign language into English. As no translation is provided, this foreign language document may not be considered as evidence in this matter.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). 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. The regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

Along with her LIFE application, the applicant included a letter from Mexican Missions Ministries, Inc. in El Paso, Texas, dated August 11, 1994 addressed "to whom it may concern." The letter indicated that the organization was processing the necessary papers for the applicant so that she may legalize her status in the USA. The letter explained that the applicant was applying for amnesty under the CSS program. The letter stated that it was issued at the request of the applicant so that she may travel to San Jose, California to gather proof for her CSS amnesty case.

CIS has no record of receiving any documents pertaining to the applicant filing for membership in a class action lawsuit, including the above letter, until the instant LIFE application was filed on March 21, 2003. To be eligible for permanent resident status under section 1104(b) of the LIFE Act the applicant must show that after failing to file a legalization application during the May 5, 1987 and May 4, 1988 period, she filed a claim for class membership in one of the legalization lawsuits sometime before October 1, 2000. The applicant has not furnished any evidence, such as a postal receipt or an acknowledgement letter from the INS, that any forms were filed with the INS on a date before October 1, 2000. As indicated above, CIS has no record of receiving any documents from the applicant until the instant LIFE application was filed in March 2003, long after the statutory deadline to file a claim for class membership one of the legalization lawsuits.

The applicant has furnished no further evidence on appeal that she filed any documents evidencing a written claim with the Attorney General for class membership in any of the three legalization class-action lawsuits with the INS before October 1, 2000. Thus, the applicant has not provided evidence of a timely, and therefore legally valid, claim for class membership. Accordingly, the applicant is ineligible for permanent resident status under section 1104(b) the LIFE Act.

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