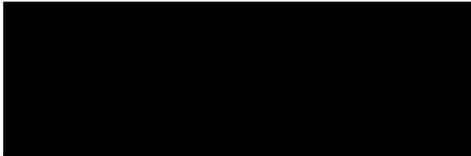




U.S. Citizenship
and Immigration
Services

L-2



FILE:



Office: National Benefits Center

Date:

JUL 20 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:

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

UNRECORDED COPY

Identifying data deleted to
protect privacy information
pursuant to 45 CFR 162.103

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 had not established she had applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000.

On appeal the applicant referred to her previous "amnesty" application and asserted that "I never receive[d] notice that I had to file any other documentation" and "was not notified that I had to file a CLAIM."

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.

On May 4, 1988 the applicant filed a Form I-687, Application for Status as a Temporary Resident under section 245A of the Immigration and Nationality Act (INA). Section 245A was added to the INA by the Immigration Reform and Control Act of 1986 (IRCA). The I-687 application was denied by the Western Service Center on November 17, 1993, for failure of the applicant to maintain continuous residence in the United States from before January 1, 1982 until May 4, 1988, the date she filed her I-687 application, as required in the Act and its implementing regulations. See 8 C.F.R. § 245a.2(b). (The applicant was absent from the United States for five months, February to July 1985, while receiving medical treatment in her native El Salvador, exceeding the 45-day maximum allowed by 8 C.F.R. § 245a.1(c)(1), and did not demonstrate that the prolonged absence was due to "emergent reasons" preventing an earlier return to the United States.) The applicant appealed the decision, but it was dismissed by the Legalization Appeals Unit (now incorporated in the AAO) as untimely filed on March 22, 1996.

There is no provision in the LIFE Act which authorizes the reopening or reconsideration of applications previously denied under IRCA. Nor does the applicant's prior IRCA application constitute a claim for class membership in one of the subsequent legalization class-action lawsuits, *CSS*, *LULAC*, or *Zambrano*. An alien must have filed a claim for class membership in one of those three lawsuits before October 1, 2000 to be eligible for permanent resident status under section 1104(b) of the LIFE Act, which was enacted on December 21, 2000.

The applicant acknowledges that she did not file a timely claim for class membership in *CSS*, *LULAC*, or *Zambrano*. Accordingly, she 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.