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



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FILE:

Office: NATIONAL BENEFITS CENTER

JUN 16 2004
Date:

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

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 of the initial decision, the applicant asserted she had previously attempted to file an application for legalization as well as a written claim for class membership in CSS.

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.

With her LIFE application, the applicant submitted the following:

- a photocopied Form for Determination of Class Membership in CSS v. Meese, which was signed by the applicant on "10/1990" [no day-date is indicated]; and
- a barely legible Legalization Fee Receipt, in which only the name and address of the Immigration and Naturalization Service (now, Citizenship and Immigration Services or CIS) office at Ft. Lauderdale, Florida, and a reference to "CSS v. Meese," are decipherable. There is no indication as to the identity of the applicant.

Subsequently, in response to the notice of intent to deny, the applicant submitted a personal statement dated October 21, 2002, in which she asserted that she filed a written claim for class membership on January 11, 1988. In addition, she stated that she had attempted to file an application for legalization with the Hialeah, Florida office of the Immigration and Naturalization Service or the Service (now, Citizenship and Immigration Services or CIS) but that her application was denied due to unauthorized travel.

The applicant also provided a photocopied letter to the Service from [REDACTED] of Catholic Social Services (CSS) Immigration & Refugee Services, who indicated that, according to their agency's records, the agency had assisted the applicant with preparing a written claim for class membership in the CSS class-action lawsuit on January 11, 1988, but had never subsequently received any response.

On appeal, the applicant asserted she had previously attempted to file a written claim for class membership in CSS in March 1988 with Catholic Social Services in Brooklyn, New York. The applicant further asserted that, in 1990, she had attempted to file a claim at the Ft. Lauderdale, Florida legalization office.

Based on the applicant's assertions as well as the photocopied correspondence from Catholic Social Services Immigration & Refugee Services, it appears there may be some confusion between applying for legalization as opposed to filing a claim for class membership. Nevertheless, based on an examination of the record, it would appear that the applicant did, in fact, file an application for class membership with the Service's Hialeah, Florida office in October 1990, at which time she would have submitted the aforementioned determination form, a copy of which accompanied her LIFE application.

The photocopied documents and clarification statements provided by the applicant may be considered as evidence of having made a written claim for class membership in October 1990, pursuant to 8 C.F.R. 245a.14(d). However, an applicant for adjustment to permanent resident status under section 1104 of the LIFE Act must *also* establish entry into the United States before January 1, 1982 and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. 8 C.F.R. § 245a.11(b). An examination of the applicant's photocopied determination form indicates that, at item 6 on the form, the applicant specified that she *first* entered the United States on *January 15, 1986*. Accordingly, she is ineligible for permanent residence under section 1104 of the LIFE Act on this basis.

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