



U.S. Citizenship
and Immigration
Services

[Handwritten mark]

[Redacted]

FILE:

[Redacted]

Office: National Benefits Center

Date:

JUN 30 2004

IN RE:

Applicant:

[Redacted]

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:

[Redacted]

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.

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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 is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director concluded that the applicant had not established 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 submits a separate statement in which she reaffirms her eligibility for permanent resident status under the LIFE Act as one who is eligible to apply and become a member of a lawsuit for legalization purposes. On appeal, counsel asserts that the applicant should be considered a class member because she attempted to file an application for temporary residence under section 245A of the Immigration and Nationality Act (INA) during the application period, but was turned away by a Service (now Citizenship and Immigration Service, or CIS) employee. Counsel contends that the applicant subsequently filed a legalization application with another CIS employee at the 24th Street office in New York, New York. Counsel claims that this employee kept the applicant's legalization application and supporting documents, and informed her that she would receive an appointment letter at a later date. Counsel declares that the applicant never received any further correspondence from CIS regarding the application or appointment. Counsel includes photocopies of previously submitted documents.

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.

Counsel asserts that the applicant attempted to apply for legalization under section 245A of the Immigration and Nationality Act during the original filing period between May 1987 and May 1988, but the INS office in New York told her she did not qualify for legalization and rejected her Form I-687 application. According to counsel, the applicant later returned to that INS office and filed her claim for class membership in LULAC/CSS. Counsel asserts that the applicant was told she would receive an appointment at a later date, but never heard from the INS thereafter.

The only documentation in the record relating to the above-described events is a Form I-687. The applicant signed the form on "06-2001." Thus, it was not filled out in 1987 or 1988 for presentation to the INS at that time. Nor is there any evidence that another I-687 form, or any other form of written claim for class membership in CSS, was subsequently submitted to the INS before October 1, 2000. The applicant has produced no letter of acknowledgement from INS, and there is no record at CIS of any written claim for class membership from the applicant before the statutory deadline of October 1, 2000. In fact, the agency has no record of any contact from the applicant until December 2, 2002, when the instant LIFE application was filed along with Form I-687. That was long after the statutory deadline of October 1, 2000, to file a claim for class membership in one of the legalization lawsuits.

Thus, the record fails to establish that the applicant filed a written claim for class membership in *CSS*, or either of the other two legalization lawsuits, prior to October 1, 2000, as required under section 1104(b) of the LIFE Act. Accordingly, the applicant is ineligible for permanent resident status under section 1104 of the Act.

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