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

[Redacted]

FILE:

[Redacted]

Office: National Benefits Center

Date:

MAR 04 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 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. The matter 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 any of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, counsel asserts that the Child Status Protection Act would permit the applicant to file for LIFE Act legalization through her father.

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.

In her LIFE application the applicant referred to "CSS v. Reno" as the basis of her eligibility for legalization. The applicant has submitted no documentation indicating that she filed a claim for class membership in that lawsuit, however, and there is no record at Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service, that the applicant filed a claim for class membership in CSS.

With respect to the appeal, counsel has provided no legal brief or documentation explaining how the Child Status Protection Act creates any rights for the applicant under section 1104 of the LIFE Act. Counsel's request that the instant LIFE Act application be considered under an entirely different section of law cannot be honored. As the director noted in his decision, the applicant did file a Form I-817 (Application for Voluntary Departure) under the Family Unity Program in 2001, which was denied in September 2002. That application was not based on section 1104 of the LIFE Act, however, but rather on section 301 of the Immigration Act of 1990. The denial of that application cannot be appealed.

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, LULAC or Zambrano, as required to be eligible for legalization under section 1104(b) of the LIFE Act. The applicant has also failed to establish that she has any derivative legalization rights under the LIFE Act through her father.

Accordingly, 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.