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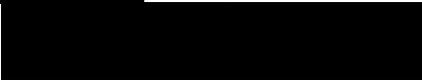
FILE:



Office: National Benefits Center

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 for

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 on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the record did not establish that the applicant had applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant asserts that "I am a 245A category," without further explanation. Although the applicant states on her appeal form that she was submitting a separate brief or evidence, no such materials have been filed up to the date of this decision.

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.

The applicant does not even assert, much less submit any documentary evidence, that she filed a written claim for class membership in any of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, prior to October 1, 2000, as required to be eligible for legalization under section 1104(b) of the LIFE Act. Nor does Citizenship and Immigration Services (formerly the Immigration and Naturalization Service) have any record of receiving a claim for class membership from the applicant.

In her appeal the applicant states simply that she is "a 245A category." That is the section of the Immigration and Nationality Act (INA) that was added by the Immigration Reform and Control Act of 1986 (IRCA), allowing certain individuals residing unlawfully in the United States to apply for legalization. The first step in that process was to apply for temporary resident status (on Form I-687) during a one-year filing period from May 5, 1987 to May 4, 1988. There is no record that the applicant filed a Form I-687 under section 245A of the INA (IRCA). Even if she had, that action would have been the first step in the process of seeking permanent resident status under the statutory provisions of IRCA. It would not have constituted a claim filed with the Attorney General (*i.e.*, with the former Immigration and Naturalization Service) for class membership in one of the subsequent legalization class action lawsuits, *CSS*, *LULAC*, or *Zambrano*.

Thus, the record fails to establish that the applicant filed a written claim for class membership in one of the legalization lawsuits before October 1, 2000, as required under section 1104(b) of the LIFE Act.

Furthermore, section 1104(c)(2)(B)(i) of the LIFE Act requires that the applicant, to be eligible for legalization, must have entered the United States before January 1, 1982 and resided in this country continuously in an unlawful status through May 4, 1988. As the applicant states in her Form G-325A (Biographic Information), however, she resided in Mexico City from November 1981 until January 1989. Thus, the applicant did not enter the United States before January 1, 1982 and reside in this country unlawfully for the requisite time period of January 1, 1982 to May 4, 1988.

For the reasons discussed above, 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.