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U.S. Citizenship  
and Immigration  
Services

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LA

MAR 11 2004

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, 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 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 states that the INS (Immigration and Naturalization Service) never informed her that she had to submit a claim with the Attorney General, whom the applicant asserts has nothing to do with immigration matters.

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 record indicates that the applicant did file a timely application in April 1988 for temporary resident status under section 245A of the Immigration and Naturalization Act (INA), which was enacted as part of the Immigration Reform and Control Act of 1986 (IRCA). The application was denied by the Western Service Center on August 25, 1993, on the ground that the record failed to establish that the applicant entered the United States before January 1, 1982 and resided in this country continuously from January 1, 1982 until the date she filed her application, April 30, 1988, as required by the statute.

In her LIFE Act application the applicant identified CSS as the basis of her eligibility, but provided no details or documentary evidence that she filed a claim for class membership in that lawsuit. In response to the director's notice of intention to deny, the applicant wrote a letter to the Missouri Service Center asserting that she went to an INS office (neither the date nor the location were indicated) to apply for class membership in CSS, but was told that "the program was closed." According to the applicant, an INS agent took her application and supporting documentation and sent her away. The same thing happened when she went back to the INS for an interview, the applicant asserted, and nobody told her to file a claim with the Attorney General.

On the appeal form the applicant restates her contention that the INS never informed her about filing a claim with the Attorney General. Although she indicated that a brief and/or evidence would be submitted with the appeal form, no such materials were submitted. The only materials filed by the applicant thereafter are a series of sworn statements by individuals attesting that they have known the applicant since 1981. No further evidence has been submitted with respect to the asserted claim for class membership in CSS.

Since the applicant had a pre-existing A-file based on her earlier IRCA application, a written claim for class membership in CSS almost certainly would have been incorporated in that file. The fact that it was not raises the fundamental question of whether an attempt was actually made to file an application for class membership. The applicant has not provided any of the documents listed in 8 C.F.R. § 245a.14 which could demonstrate that she applied for class membership in CSS prior to October 1, 2000, as required under section

1104(b) of the LIFE Act. Nor are there any records within Citizenship and Immigration Services (successor to the INS) which indicate that the applicant applied for class membership in CSS.

Based on the evidence of record, therefore, it is concluded that the applicant has failed to establish that she filed a written claim for class membership in CSS, or either of the other two legalization lawsuits, before 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 LIFE Act.

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