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Washington, DC 20536

U.S. Citizenship  
and Immigration  
Services



**MAR 16 2004**  
Date:

FILE: [Redacted] Office: NATIONAL BENEFITS CENTER

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: 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.

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

The director 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, the applicant asserts that she attempted to apply for legalization under the Immigration Reform and Control Act (IRCA) but was discouraged by an officer of the U.S. Immigration and Naturalization Service (now Citizenship and Immigration Services, or CIS).

An applicant for permanent resident status under 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 any 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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). See 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. The regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

Along with her LIFE application, the applicant included a Form I-687 Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act (INA). The form was signed by the applicant and dated "1990." The applicant's signature and the date were both recorded in ink. This would indicate that the I-687 was an *original* document, rather than a photocopy of what the applicant is apparently claiming she had previously submitted in 1990. However, if the applicant *had* actually submitted this application in 1990, it would have been in the possession of CIS. Furthermore, an examination of CIS administrative and computer records fails to disclose any evidence of this applicant having previously filed such application. In fact, no CIS A-file was ever created in the name of the applicant until her LIFE application was received on May 17, 2002.

In response to the notice of intent to deny and, subsequently, on appeal, the applicant asserted that in May 1987, she visited her local legalization office to apply for amnesty under IRCA, but was discouraged from doing so by an unidentified CIS officer as a result of her having engaged in unauthorized travel to Mexico. The applicant's account of her alleged unsuccessful effort to apply for legalization can neither be confirmed nor denied based on the record of proceedings. In any case, having attempted to apply for amnesty during the appropriate filing period did not constitute making a claim for class membership in a legalization lawsuit.

Given her failure to establish having filed a timely written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

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