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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



U.S. Citizenship
and Immigration
Services

[redacted]

FILE: [redacted]

Office: National Benefits Center

Date: MAY 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. 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 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, counsel asserts that the applicant "submitted her application and she was rejected during the amnesty program from May 1987 to May 1988 . . . by an INS officer." Later, according to counsel, the applicant "went to submit her application again to the INS office located at [New York City address] when the LULAC/CSS lawsuits came in[to] effect." Counsel contends that "[the applicant's] documents were kept by an INS officer at the front desk, who informed her that an appointment will be mailed to her at a later date, [but] this appointment never came." No documentary evidence was submitted of either of the applicant's alleged attempts to file an application.

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 contains no documentary evidence that the applicant ever filed a claim for class membership in one of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, before October 1, 2000, as required for her to be eligible for legalization under section 1104(b) of the LIFE Act. Nor does Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service, have any record that the applicant applied for class membership before October 1, 2000. In fact, there is no record of any filing by the applicant with CIS (INS) until the instant LIFE application was filed on February 21, 2002. That was long after the statutory deadline of October 1, 2000 to file a claim for class membership in one of the legalization lawsuits.

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.