



U.S. Citizenship  
and Immigration  
Services

L2



FILE: [Redacted] Office: NATIONAL BENEFITS CENTER Date:

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. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 "I am a 245 category member" without further explanation.

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) (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 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.

Under section 1104(c)(2)(B)(i) of the LIFE Act each applicant for permanent resident status must establish that he or she entered and commenced residing in the United States *prior to January 1, 1982*. On the applicant's G-325A Biographic Information Form, however, the applicant indicated that she resided in her native Mexico from October 1956 until August 1993. Given the applicant's inability to meet the statutory requirement of residence in the United States since before January 1, 1982, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

Furthermore, the applicant does not even assert, much less submit any documentary evidence, that she had filed a written claim to 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 of the LIFE Act. The Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS) does not have any record of receiving a claim for class membership from the applicant.

The applicant, on appeal, simply states that she is a "245A category member". Section 245A of the Immigration and Nationality Act (the Act) 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 filing period for this program commenced May 5, 1987 and ended May 4, 1988. However, there is no record of the applicant filing a Form I-687 application under section 245A of the Act. Assuming, arguendo, the applicant had in fact filed a Form I-687 application and was approved; such action would have been the first step in the process of seeking permanent resident status under the statutory provisions of the IRCA. It would not have constituted a claim filed with the Attorney General (*i.e.*, with the legacy Immigration and Naturalization Service) for class membership in one of the subsequent legalization class action lawsuits *CSS*, *LULAC*, or *Zambrano*.

As such, the record fails to establish that the applicant filed a timely written claim for class membership in any of the legalization class action lawsuits as required in section 1104(b) of the LIFE Act.

For failure to meet this statutory requirement, and because the applicant acknowledges that she did not enter and begin residing in United States prior to January 1, 1982, as required in section 1104(c)(2)(B)(i) of the Act, 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.