



U.S. Citizenship
and Immigration
Services

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FILE:



Office: National Benefits Center

Date:

MAY 18 2004

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 was reopened and denied again by the Director, National Benefits Center. The matter is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The directors 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 "I'm applying for late amnesty of 1987." She also states that "I have been in this country since 1987."

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 shows that the applicant filed a Form I-687, Application for Status as a Temporary Resident, on May 4, 1988, under section 245A of the Immigration and Nationality Act (INA), which was enacted as part of the Immigration Reform and Control Act of 1986 (IRCA). The section 245A application was denied on October 17, 1991, for failure of the applicant to appear for a series of scheduled interviews. The application for temporary resident status filed by the applicant in 1988 was the first step in seeking legalization under the statutory provisions of IRCA. The 1988 application does not constitute a claim for class membership in one of the subsequent legalization class action lawsuits, *CSS*, *LULAC*, or *Zambrano*, as required for an alien to be eligible for permanent resident status in accordance with section 1104(b) of the LIFE Act. Nor does the LIFE Act contain any provision allowing for the reopening or reconsideration of an application for temporary resident status under section 245A of the INA.

The applicant does not assert, nor has she submitted any documentary evidence, that she ever filed a claim for class membership in one of the legalization lawsuits. Citizenship and Immigration Services, successor to the Immigration and Naturalization Service, has no record of any such claim by the applicant. Thus, the record fails to establish that the applicant filed a claim for class membership in *CSS*, *LULAC*, or *Zambrano*, before October 1, 2000, as required under section 1104(b) of the LIFE Act.

Furthermore, under section 1104(c)(2)(B)(i) of the LIFE Act an applicant must establish that he or she entered the United States before January 1, 1982 and resided in this country continuously in an unlawful status through May 4, 1988. In her appeal, however, the applicant states that she has been in the United States since 1987. In her LIFE application she indicated that she has been in the country since 1986. In either case it is clear that the applicant does not fulfill the statutory requirements of having entered the United States before January 1, 1982 and having resided in this country unlawfully from before January 1, 1982 through 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.