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U.S. Citizenship
and Immigration
Services



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MAY 27 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 your case 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, and is now before the Administrative Appeals Office (AAO) 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 [REDACTED] and, therefore, denied the application.

On appeal, the applicant indicates that the reason for her appeal is that she wishes to obtain legal permanent residence in the United States. The applicant declares that she first arrived in this country on [REDACTED] with one of her three children being born in the United States.

An applicant for permanent resident status under the LIFE Act must establish that before [REDACTED] he or she filed a written claim with the Attorney General for class membership in any of the following legalization class-action lawsuits: [REDACTED] vacated sub nom. [REDACTED] *Inc.*, 509 U.S. 43 (1993) (*CSS*), *League of United Latin American Citizens v. Reno*, [REDACTED] vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) (*LULAC*), or [REDACTED] vacated sub nom. *Immigration and Naturalization Service v. Chadha*, 462 U.S. 919 (1983) (*Chadha*) and [REDACTED] 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 [REDACTED]. Those regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

The applicant has neither claimed nor documented that she applied for class membership. The record reflects all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership in a timely manner. Such check included a Form I-589, Request for Asylum in the United States, with the file number [REDACTED] to which the applicant's LIFE Act application has been incorporated. Given her failure to even claim, much less document, that she filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

It is noted that an applicant for permanent resident status under section 1104 of the LIFE Act must establish entry into the United States before [REDACTED] and continuous residence in the United States in an unlawful status since such date and through [REDACTED] F.R. § 245a.11(b). On the Form I-589 asylum application cited above, as well as on appeal, the applicant specifically acknowledges that she entered and began residing in the United States on [REDACTED]. Accordingly, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act on this basis as well.

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