



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE: [REDACTED] Office: Dallas, Texas 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. The file has been returned to the Dallas District Office. 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.

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 District Director in Dallas, Texas. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The district director concluded that the applicant failed to establish that she resided in the United States continuously for the requisite time period from January 1, 1982 through May 4, 1988.

On appeal the applicant asserted that she never received the notice of intent to deny that was issued prior to the decision on her application, and was thus unable to respond with any additional evidence. The applicant requests that the notice of intent to deny be issued again and that she be given additional time to reply.

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 record indicates that the applicant filed a timely claim for class membership in CSS in 1990.

An applicant for permanent resident status under section 1104 of the LIFE Act must also establish that he or she entered the United States before January 1, 1982 and resided in this country continuously in an unlawful status from before January 1, 1982 through May 4, 1988. See section 1104(c)(2)(B)(i) of the LIFE Act and 8 C.F.R. § 245a.11(b).

In the notice of intent to deny, dated July 16, 2003, the district director referred to the applicant’s interview on January 21, 2003 to determine her eligibility for LIFE legalization, at which she “presented no evidence as to continuous presence [in the United States] from January 1, 1982 through May 4, 1988.” As the district director pointed out, the applicant also signed a sworn statement at the interview regarding “my arrival into the United States on June 30, 1987. This was my first and only entry into the United States.” The AAO notes that in the Form I-687, Application for Temporary Resident Status, and accompanying affidavit that she filed with the Immigration and Naturalization Service (INS) in connection with her CSS class membership claim in January 1990, the applicant asserted that she first entered the United States in 1981. The applicant submitted no supporting documentation – not even affidavit evidence – at that time, however, and has submitted no supporting documentation in the course of her current LIFE application either. Thus, the record contains no evidence whatsoever that the applicant entered the United States as early as 1981, and a sworn statement by the applicant that her first entry into the United States was on June 30, 1987.

Though the applicant asserts that she never received the notice of intent to deny, she was on notice from the time she filed her LIFE application in May 2002 that one of the requirements to establish her eligibility for adjustment of status was proof of her continuous residence in the United States from before January 1, 1982 through May 4, 1988. In an information sheet accompanying her interview notice from the INS the applicant was specifically advised to bring documentary evidence of her continuous U.S. residence during those years to her interview in January 2003. No such evidence was produced at the interview. In the AAO’s judgement, regardless of whether she received the notice of intent to deny in July 2003, the applicant has had ample opportunity – including a full year after the district director’s decision on September 4, 2003 – to provide evidence that she resided continuously in the United States from before January 1, 1982 through May 4, 1988. She has failed to do so.

Thus, the record does not establish that the applicant entered the United States before January 1, 1982 and resided in the United States continuously in an unlawful status from before January 1, 1987 through May 4, 1988, as required under section 1104(c)(2)(B)(i) of the LIFE Act.

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.