

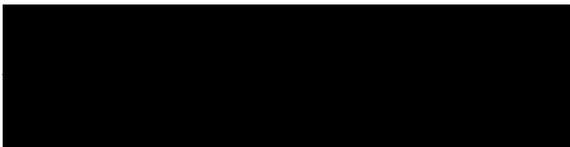
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

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FILE: [Redacted] Office: NATIONAL BENEFITS CENTER Date: **JAN 06 2005**

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 office that originally decided your case. 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 initially denied by the Director, Missouri Service Center. The matter was subsequently reopened and denied again by the Director, National Benefits Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The directors both 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 from the initial denial, the applicant asserted that she had previously filed a legalization application that allowed her to be eligible to adjust to permanent residence under the provisions of the LIFE Act. The applicant provides a letter dated November 19, 2002 from the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Service, or CIS) that related to a prior Freedom of Information Act request that she had submitted.

The record shows that subsequent to the reopening of the case, the applicant was afforded the opportunity to submit additional material to supplement the appeal. However, as of the date of this decision, the applicant has failed to submit any additional material in support of the appeal. Therefore, the record shall be considered complete.

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.

Along with her LIFE application, the applicant included a statement in which she claimed that she had previously filed a legalization application at the same time her brother and sisters had. The applicant provided photocopies of the first two pages of a Form I-687, Application for Status as Temporary Resident Under Section 245A of the Immigration and Nationality Act (INA), that bears the Alien Registration Numbers, or A-file numbers, [REDACTED] and [REDACTED] and appears to have been received by the Service on May 4, 1988. However, the Form I-687 application is that of the applicant's brother, rather than her application. The record shows that the Service issued the A-file number [REDACTED] to the applicant's brother [REDACTED] when he submitted his Form I-687 application to the Service on May 4, 1988. Furthermore, a review of the electronic record reveals that the Service issued the A-file numbers [REDACTED] to the applicant's brother [REDACTED] to her sister Aura [REDACTED] her sister [REDACTED] and [REDACTED] to her sister [REDACTED] when they submitted each of their respective Form I-687 applications to the Service on May 4, 1988. The record provides no indication that the applicant has ever filed a Form I-687 application with the Service. Even if the applicant had filed a Form I-687 application as her brothers and sisters did on May 4, 1988, the fact that an alien filed a timely legalization application does not establish eligibility to adjust to permanent residence under the LIFE Act. The legalization class-action lawsuits discussed above relate to aliens who claim they did not file applications in the 1987-1988 period because they were improperly dissuaded by Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) from doing so.

The record reflects all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership. Such check included a separate file [REDACTED] relating to prior deportation proceedings instituted against the applicant, into which her current LIFE Act application has been consolidated. Given her failure claim, much less document, that she timely filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

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