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U.S. Citizenship  
and Immigration  
Services

L2

[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date: JAN 14 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:

[Redacted]

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*

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 October 1, 2000 and, therefore, denied the application.

On appeal, the applicant reiterated her claim to have filed a written claim to class membership prior to October 1, 2000. The applicant provides copies of previously submitted documentation in support of the appeal.

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.

The applicant neither claimed nor documented that she had applied for class membership in any of the requisite legalization lawsuits in her LIFE Act application. Rather, the record shows that the applicant timely filed a Form I-687, Application for Temporary Resident Status under Section 245A of the Immigration and Nationality Act (INA) on April 28, 1987. The Form I-687 legalization application was subsequently approved on December 10, 1987. However, the applicant's Form I-698, Application to Adjust Status from Temporary to Permanent Residence under Section 245A of the INA, was denied on March 27, 1993, as she had failed to file this application within forty-three months of being granted temporary residence. Section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of the matter, as the original application for temporary resident status under section 245A of the INA had been filed by the applicant in a timely manner.

The applicant provided documentation relating to the prior adjudication of the separate Form I-687 legalization referenced above in response to the notice of intent to deny, as well as on appeal. 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 application 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 applicant provided no explanation as to why she would have sought membership in the legalization class-action lawsuits as she had not been improperly dissuaded by the Service and did file a timely application on April 27, 1987.

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. Given her failure to 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.

It must be noted, however, that no action has been taken either by the Service or its successor, CIS, to institute proceedings to terminate the applicant's status as a temporary resident resulting from the prior approval of her Form I-687 legalization application on December 10, 1987. Therefore, once processing of the denied application and dismissed appeal for permanent residence under section 1104 of the LIFE Act is complete, the entire file shall be forwarded to the appropriate service center for a final determination regarding the applicant's eligibility as a temporary resident under section 245A of the INA.

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