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**U.S. Citizenship  
and Immigration  
Services**

*LA*

FILE:

[REDACTED]

Office: NATIONAL BENEFITS CENTER

Date: **APR 11 2006**

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.

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 Director, National Benefits 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 indicates that she has resided in this country since 1973 and requests that she be allowed to remain in this country for the sake of her family.

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 filed a written claim to class membership in one of the requisite legalization class-action lawsuit with her Form I-485 LIFE Act application. With her LIFE Act application, in response to the notice of intent to deny, and on appeal, the applicant submits documents relating to a previously filed Form I-687, Application for Status as a Temporary Resident under section 245A of the Immigration and Nationality Act (INA). The record shows the Form I-687 was timely filed on May 4, 1988 and subsequently denied on September 2, 1992. A review of the record reveals that the applicant's appeal to the denial of the Form I-687 legalization was subsequently treated as a motion to reopen by the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) and remains pending through the date of this decision. Section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of the matter, as the original Form I-687 application for temporary resident status under section 245A of the INA had been filed by the applicant in a timely manner.

The applicant's statements on appeal have been considered. However, there is no evidence to demonstrate that the applicant submitted a written claim to class membership in any of the requisite legalization class-action lawsuits cited above prior to October 1, 2000. There is no exception to the requirement that an applicant must have filed a timely written claim to class membership under 8 C.F.R. § 245a.10 in order to adjust to permanent resident status under the provisions of the LIFE Act. Nevertheless, once all procedures associated with the adjudication of the Form I-485 LIFE Act application have been completed, the file should be forwarded to the appropriate Citizenship and Immigration Services' office for the adjudication of the separate and timely filed Form I-687 legalization application.

Given her failure to document that she filed a timely 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 under the LIFE Act. The director shall forward the file, as discussed above, for adjudication of the original legalization application.