



U.S. Citizenship
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Services

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FILE: [REDACTED]
MSC 03 193 60066

Office: NATIONAL BENEFITS CENTER

Date: MAY 12 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. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Chief
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 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 asserts in part:

My LIFE Acts [sic] papers were submitted on a timely basis to your agency but due to non-requirement for proof of certified return receipt and registration of these claims, I cannot prove that my claims were ever received by you let alone to be assigned by "A" number.

I also attempted to file a claim for Amnesty early on but I was refused the right to do so because my rights were misrepresented and I lost that opportunity.

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 submitted: 1) a Legalization Front-Desking Questionnaire dated August 15, 2000; 2) a Form I-687 Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act dated March 9, 1988; 3) documentation to establish her identity; and 4) documentation to establish her residence in the United States.

The applicant also submitted a Form for Determination of Class Membership in *CSS vs. Meese* questionnaire signed by the applicant on November 14, 1988. However, it must be noted that at the time the applicant claimed to have submitted said form, the *CSS vs. Meese* class-action lawsuit had not been decided. Thus, this form lacks credibility and has no probative value.

The documentation presented to establish the applicant's identity and residence does not establish that the applicant filed a timely written claim to class membership prior to October 1, 2000. While the remaining documents could possibly be considered as evidence of having made a written claim for class membership, none of these submissions include a Citizenship and Immigration Services (CIS) Alien Registration Number, otherwise known as a A-number or file number, for the applicant, as required in 8 C.F.R. § 245.14(b). Furthermore, there is no record of CIS receiving any of the documents listed above prior to the submission of her LIFE Act application on April 11, 2003.

In response to the Notice of Intent to Deny issued on August 12, 2003, the applicant submitted photocopies of documents that were previously provided.

The record reflects that 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 establish having 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.