



U.S. Citizenship
and Immigration
Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy
PUBLIC COPY

L2



FILE: [REDACTED]
MSC 03 248 60635

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, 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 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 she is eligible for permanent resident status under the LIFE Act, and makes reference to having submitted her Form I-687 application through a qualified designated entity (QDE).

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 a photocopy of an undated form letter from QDE, La Maestra Amnesty Center, which indicated that it submitted an application on the applicant's behalf to the legacy Immigration and Naturalization Service (legacy INS) on December 16, 1993. The applicant also submitted a photocopy of a *LULAC/Newman* "Late Amnesty" Class Member Explanation Form. The applicant did not, however, furnish copies of any documents that would have constituted a request for class membership.

In a Notice of Intent to Deny issued on March 2, 2004, the director informed the applicant that the letter from the QDE did not establish that she had filed a written claim for class membership. The applicant, in response, asserted that in 1993, she went to La Maestra Amnesty Center and submitted her birth certificate, proof of residence, medical exam form, photos, fingerprints, etc. The applicant stated she was informed by the QDE that she could claim class membership under CSS because she had departed the United States in 1987. The applicant asserted that she subsequently received a letter from the QDE indicating that her application along with her supporting documents had been submitted to the legacy INS on December 16, 1993. The applicant stated that she visited the QDE on several occasions and was told "to wait for an interview" as it could take many years before she heard from the legacy INS as the lawsuits were still pending in court. The applicant claimed, "based from this information I did in fact submitted [sic] my application in a timely manner and I filed a written claim with the Attorney General for class membership in the Catholic Social Services, Inc. (CSS)."

The record reflects that the director reviewed all appropriate indices and records, and found no evidence of a class membership request ever being presented to or received by the legacy INS. The applicant's claim to have attempted to file her request through a QDE does not equate to having filed a written claim for class membership in any of the requisite legalization class-action lawsuits.

The applicant has failed to submit documentation which credibly establishes her having filed a timely written claim for class membership in one of the aforementioned legalization class-action lawsuits. 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.