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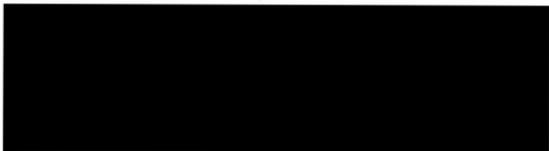
U.S. Department of Homeland Security
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Washington, DC 20529



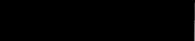
U.S. Citizenship
and Immigration
Services

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FILE:



Office: NATIONAL BENEFITS CENTER

Date:

OCT 26 2006

MSC 02 248 65437

IN RE:

Applicant:



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:



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, counsel asserts that the district director “abused his discretion by failing to properly weigh positive factors in determining whether adjustment of status was warranted” and that the director “made improper assumptions based on the facts presented which were outside the scope of the authority granted” to him. Counsel submits a brief in support of the appeal.¹

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 failed to submit any documentation addressing this requirement. The director noted that the copies of Work Authorization Documents, issued on October 13, 1992 and November 18, 1993, submitted by the applicant authorized the applicant to work pursuant to 8 C.F.R. § 274a.12(c)(8) (applicants for asylum) and not 8 C.F.R. § 274a.12(a)(2) (legalization applicants).

Counsel’s brief on appeal focuses only minimally on the ground on which the director denied the application. In addition to the Work Authorization Documents discussed above, counsel references copies of a sworn statement from Barbara Lalani, in which she stated that she has known the applicant since March 1981, and a copy of the applicant’s 1991 Texas marriage license. Neither of these documents is evidence of the applicant’s claim for written membership in one of the required class action lawsuits.

Counsel also submits a copy of a May 16, 2005 Citizenship and Immigration Services press release announcing the extension of the deadline for filing applications pursuant to the CSS and LULAC settlement agreements. Counsel asserts that this is evidence that the applicant has filed for class membership. This assertion is also without merit, as the applicant submitted no evidence that she has filed for class membership under the extended deadline.

Accordingly, the applicant has failed to establish that she filed a timely written claim for class membership. Therefore, she is ineligible for permanent residence under section 1104 of the LIFE Act.

We note that the record reflects that the applicant was convicted of trademark counterfeiting on September 19, 2000, fined \$500, and sentenced to one year of probation. The record does not contain the court documents and final disposition of this offense.

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

¹ Different counsel represents the applicant on appeal.