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U.S. Citizenship
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Services

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DEC 10 2007

FILE: [REDACTED]
MSC 02 122 60993

Office: NATIONAL BENEFITS CENTER

Date:

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. If your appeal was sustained, or if the matter 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, 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 a subsequent appeal was remanded by the Administrative Appeals Office (AAO) for further consideration. The matter has been certified to the AAO for review. The AAO will affirm the decision of the director.

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 asserted that her father applied for class membership for her when she was a minor. No additional evidence in support of her eligibility was submitted with the appeal. The AAO remanded the matter to the director for further action and consideration. The director again denied the application and certified the matter to the AAO for review.

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 when the application was filed. Consequently, the director issued a notice of intent to deny (NOID) the application on June 13, 2002. In the NOID, the director noted that the record did not establish that the applicant had filed for membership in any of the above-named class action lawsuits. The applicant was afforded thirty days to submit any documentation or evidence received by the service which would prove that she had in fact applied for class membership prior to October 1, 2000. In a response received on July 13, 2002, the applicant submitted the following documents: (1) a blank, undated and unfiled Form for Determination of Class Membership in *CSS v. Meese*; and (2) a blank, undated and unfiled Corroborative Affidavit. Although both documents were signed by the applicant, there was no evidence to support that they had been filed with the Service.

The director subsequently denied the application on August 28, 2002. The applicant appealed to the AAO and, upon review, the AAO remanded the matter for further action and consideration on July 1, 2003. Specifically, the AAO determined that the director had not identified with specificity the deficiencies in the evidence, and noted that there was no indication the director had checked all indices and checked for other files pertaining to the applicant.

The director reviewed the record and again found the evidence to be insufficient to conclude that the applicant had applied for class membership as claimed. On September 30, 2005, the application was again denied, and the decision was certified to the AAO for review. The applicant, though afforded an opportunity to provide additional documentation in support of her eligibility, submitted no further evidence.

Upon review, the AAO concurs with the director's conclusions. There are no records within Citizenship and Immigration Services (CIS) which demonstrate that the applicant requested class membership. Although the applicant submitted a Form for Determination of Class Membership in *CSS v. Meese* and Corroborative Affidavit, there is no indication that either of these documents were submitted to CIS prior to October 1, 2000. Furthermore, these documents are blank but for the applicant's signature. 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 decision of the director is affirmed. The application is denied. This decision constitutes a final notice of ineligibility.