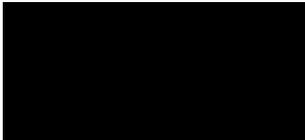


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U.S. Department of Homeland Security
Citizenship and Immigration Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

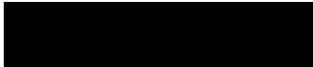
ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street, N.W.
Washington, D.C. 20536



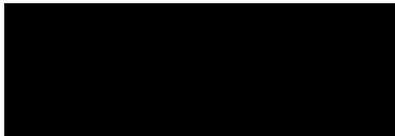
FILE: 

Office: NATIONAL BENEFITS CENTER

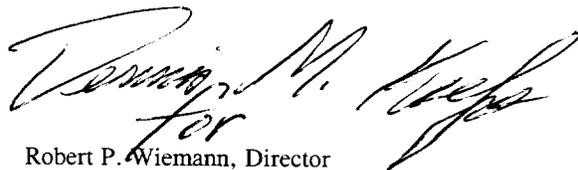
Date: DEC 29 2003

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: Attached is the decision rendered on your appeal. The file has been returned to the National Benefits Center. 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, 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 he 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 that he qualifies for LIFE legalization because he presented his legalization questionnaire to the INS (now Citizenship and Immigration Services, or CIS) on February 28, 2001, claiming class membership in the CSS lawsuit, *infra*, by virtue of having been "front desked" before October 1, 2000.

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.

In support of his application, the applicant submitted a copy of a legalization questionnaire, dated February 12, 2001 and stamped as received by the INS (now CIS) office in St. Albans, Vermont, on February 28, 2001, claiming that around December 20, 1987, the INS office in Wichita, Kansas, had refused to accept (*i.e.*, "front desked") his application for legalization under the Immigration Reform and Control Act of 1986 ("IRCA"). Though this document could constitute evidence of a claim for class membership in one of the three legalization lawsuits, it was filed after the statutory deadline of October 1, 2000. Thus, the legalization questionnaire is not evidence of a timely, and therefore legally valid, claim by the applicant for class membership for the purposes of the LIFE Act.

The applicant appears to think that his alleged "front desked" in 1987 constitutes a claim for class membership in one of the requisite lawsuits. Even if the applicant did, as he alleges, attempt to present a Form I-687, Application for Temporary Status

(Under Section 245a of the Immigration and Nationality Act), to the Wichita INS office in 1987, that action would have been the first step in the process of seeking permanent resident status under the statutory provisions of IRCA. It would not have constituted a claim for class membership in one of the subsequent legalization class action lawsuits in the federal court system. Filing a claim for class membership in one of the lawsuits was a separate and distinct action from applying for temporary status under IRCA.

Given his failure to document that he filed a timely written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

Furthermore, section 1104(c)(2)(B)(i) of the LIFE Act requires the applicant to establish that he entered the United States before January 1, 1982, and resided in this country continuously in an unlawful status through May 4, 1988. On his LIFE application the applicant indicated that his "date of last arrival" in the United States was 1986. The applicant offers no evidence of any earlier residence in the United States. Thus, the record does not demonstrate that the applicant resided unlawfully in the United States for the requisite time period to be eligible for legalization under the LIFE Act.

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