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



SEP 30 2003

File:



Office: National Benefits Center

Date:

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 Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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.

for
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, Missouri Service Center, and is now before the Administrative Appeals Office (AAO) 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, counsel asserts that the applicant should be considered a class member because he had been "front desked" when he attempted to file a legalization application in April 1988 but was turned away. Counsel contends that the LIFE legalization questionnaire is the applicant's recollection of this event.

An applicant for permanent resident status under section 1104 of 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 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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993).

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.

Both on rebuttal to the notice of intent to deny and on appeal, counsel asserts that the applicant is eligible for permanent residence under the provisions of the LIFE Act because he had attempted to file a legalization application in April 1988. While the applicant may very well have been "front desked" (informed that he was not eligible for legalization) when he attempted to file a legalization application in April 1988, this action alone does not equate to having filed a written claim for class membership in any of the requisite legalization class-action lawsuits.

In addition, counsel indicates that the applicant had filed a written claim for class membership by submitting a LIFE legalization questionnaire. The record contains a Legalization Front-Desking Questionnaire that is dated December 14, 2002, which counsel provided both on rebuttal to the notice of intent to deny and on appeal. An examination of the record fails to disclose that

any documentation concerning a request for class membership was filed by the applicant by October 1, 2000.

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 his failure to document that he *timely* filed a 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.