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U.S. Citizenship  
and Immigration  
Services



FILE: [Redacted] Office: National Benefits Center Date: **APR 09 2004**

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. 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, Missouri Service Center. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant had not established 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 that she qualifies for LIFE legalization because she presented an affidavit of circumstances (questionnaire) to the Immigration and Naturalization Service (INS), now Citizenship and Immigration Services (CIS), before the February 2, 2001 deadline printed on the document, claiming class membership in the lawsuit of *CSS v. Meese, infra*. The applicant also asserts that other individuals in similar situations had their applications approved.

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 one 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 section 1104(b) of the LIFE Act and 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.

With her LIFE application the applicant submitted a copy of a Legalization Front-Desking Questionnaire, dated "12-2000," in which she claims that an INS officer in Houston, Texas, had refused to accept (*i.e.*, "front-desked") her application for legalization under the Immigration Reform and Control Act of 1986 (IRCA) when she tried to file it during IRCA's one-year filing period from May 5, 1987 to May 4, 1988. The applicant's file does include the *original* of the front-desking questionnaire, which was stamped as received by the INS Vermont Service Center on January 29, 2001. In order to qualify for late legalization under the LIFE Act, however, an alien must demonstrate that he or she had filed a written claim for class membership in one of the legalization lawsuits prior to October 1, 2000.

In response to the director's notice of intent to deny, the applicant submitted a statement asserting that she qualified as having filed for class membership under section 1104 of the LIFE Act because she submitted the Legalization Front-Desking Questionnaire before February 2, 2001, as the form specifically instructed. The applicant claimed that the questionnaire (a) was listed in the Federal Register as one of the documents that could demonstrate an applicant's eligibility for class membership in one of the legalization lawsuits, (b) was therefore *ipso facto* proof of the applicant's written claim for class membership, and (c) had its own deadline for submission which the applicant satisfied.

The February 2, 2001 deadline to which the applicant refers appeared in INS instructions that were issued *prior* to the passage of the LIFE Act. Those instructions related only to the February 2, 2001 deadline for attempting to obtain class membership in the legalization class-action lawsuits. The aliens who acquired class membership will eventually be notified as to how they may proceed under the litigated settlement. That settlement is entirely outside the scope of this current proceeding under the LIFE Act.

Here, *in the current proceeding*, the applicant has not applied for class membership in a lawsuit but rather has applied directly to INS (now CIS) for permanent resident status under the LIFE Act. The basic statutory requirement of having filed for class membership by October 1, 2000 must still be met in all LIFE cases, regardless of the other previously-authorized administrative deadline established for filing questionnaires. Since the applicant's Legalization Front-Deskling Questionnaire was not submitted to the Vermont Service Center until January 2001, under the LIFE Act it is not evidence of a timely, and therefore legally valid, claim for class membership in CSS or either of the other two legalization lawsuits.

On appeal the applicant resubmits a photocopy of her Legalization Front-Deskling Questionnaire. She asserts that the document constitutes conclusive evidence of her written claim for class membership in CSS because it is listed both in 8 C.F.R. § 245a.14(a) and on a flyer the INS sent to the applicant entitled "Examples of a Written Documentation for Claim for Class Membership." The applicant also restates her previous argument that the questionnaire was sent to the Vermont Service Center prior to the February 2, 2001 deadline printed on the form. As previously discussed, however, the statutory deadline to file a written claim for class membership in one of the legalization lawsuits was October 1, 2000. *See* section 1104(b) of the LIFE Act. The applicant's Legalization Front-Deskling Questionnaire did not meet that statutory deadline because it was not sent to the Vermont Service Center until January 2001.

The applicant also submitted photocopies, on appeal, of (1) a Form I-687, Application for Status as a Temporary Resident (Under Section 245A of the Immigration and Nationality Act), and (2) a Form for Determination of Class Membership in *CSS v. Reno*. Both of the forms are dated March 25, 2003, however, which was two and a half years after the statutory deadline of October 1, 2000 to file a claim for class membership in one of the legalization lawsuits. Accordingly, neither document is evidence of a timely, and therefore legally valid, claim for class membership in CSS.

The applicant's last contention is that two other individuals in similar situations had their applications approved after originally being denied. The applicant has submitted copies of Service Motions to Reopen and Reconsider those cases in which the CIS approved Form I-765 and Form I-131 applications for the respective applicants. Those approvals were for employment and travel authorization, however, not permanent resident status under the LIFE Act. Thus, the cases cited by the applicant, and the rulings issued thereon, have no bearing upon the LIFE application at issue here.

Based on the entire record in this case, it is clear that the applicant has failed to establish that she filed a written claim for class membership in CSS, or either of the other two legalization lawsuits, before October 1, 2000, as required to be eligible for legalization under section 1104(b) of the LIFE Act.

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.