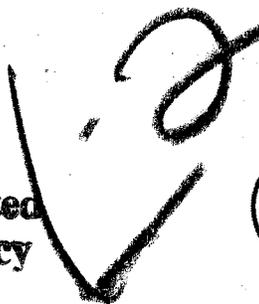


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U.S. Department of Homeland Security  
20 Mass, Rm. A3042, 425 I Street, N.W.  
Washington, DC 20536



**U.S. Citizenship  
and Immigration  
Services**



FILE:



Office: National Benefits Center

Date:

**APR 13 2004**

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:

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 filed a claim for class membership in the CSS lawsuit, *infra*, before October 1, 2000. In particular, the applicant asserts that she filed a Form I-687, dated January 5, 1988, during the original filing period of May 1987 to May 1988, subsequently mailed a copy of the I-687 form along with a letter claiming class membership in the CSS lawsuit to a New York City office of the Immigration and Naturalization Service (INS) in May 2000, and in February 2001 mailed a copy of the I-687 form along with a Legalization Front-Desking Questionnaire to the INS. In addition, the applicant submits an affidavit from an individual attesting to the applicant's employment in the United States from January 1982 to the present.

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.

In support of her application, the applicant submitted a photocopy of a Legalization Front-Desking Questionnaire, dated February 2, 2001, in which the applicant asserted that she attempted in 1987 and 1988 to file an I-687 form (seeking temporary resident status as the first step in the process of legalization under section 245A of the Immigration and Nationality Act), but was told she did not qualify. 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 February 9, 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 class-action legalization lawsuits prior to October 1, 2000. The applicant's Legalization Front-Desking Questionnaire, therefore, does not constitute a timely claim for class membership in CSS, or either of the other legalization lawsuits.

The applicant also submitted a photocopy of a Form I-687, Application for Status as a Temporary Resident (Under Section 245A of the Immigration and Nationality Act), dated January 5, 1988. Like the Legalization Front-Desking Questionnaire, it was enclosed in an envelope to the INS, Vermont Service Center, which was stamped as received on February 9, 2001. That was after the statutory deadline of October 1, 2000 to file a claim for class membership in one of the legalization lawsuits. Thus, the I-687 form received by the INS in February 2001 was not a timely claim for class membership.

In a letter responding to the director's notice of intent to deny her LIFE application, the applicant asserted that she originally tried to file the I-687 form in the late 1980s, but was "front-desked." In her subsequent appeal,

the applicant stated that she filed the I-687 form in 1988. Had she done so, INS would have created an A-file at that point in time. There is no record at INS (now Citizenship and Immigration Services, or CIS), however, that any such application was filed in 1988. In fact, no A-file was created for the applicant until the I-687 form and the questionnaire were submitted to the Vermont Service Center in February 2001.

According to the applicant, in May 2000 she sent a letter claiming class membership in *CSS*, along with a copy of the I-687 form, to an INS office in New York City. INS (now CIS) has no record of receiving any correspondence from the applicant in May 2000, and the applicant has furnished no evidence, such as a postal receipt or an acknowledgement letter, that she sent anything to the INS in May 2000. In fact, CIS records show that the Form I-687 was first received by the agency on February 9, 2001, in the aforementioned envelope the applicant sent to the Vermont Service Center, which also included the Legalization Questionnaire. That was more than four months after the statutory deadline of October 1, 2001 to file a claim for class membership in *CSS*.

Thus, the record fails to establish that the applicant filed a claim for class membership in *CSS*, or either of the other two legalization lawsuits, prior to October 1, 2000, as required 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.