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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**

[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

APR 19 2004
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. The file has been returned to the National Benefits Center. If your appeal was sustained, or if your case 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.

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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 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 is eligible for permanent residence under the LIFE Act, and that she has submitted all available documents demonstrating such eligibility to the Service (now Citizenship and Immigration Service, or CIS).

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.

With her LIFE Act application, the applicant submitted a statement in which she claimed that she attempted to file the legalization application during the application period at a CIS office in Queens, New York, but was turned away by a CIS employee. While the applicant may have been front-desked (informed that she was not eligible for legalization) when she attempted to file a legalization application, this action alone does not equate to having filed a written claim for class membership in any of the requisite legalization class-action lawsuits.

The applicant included an original Form I-687 legalization application that is signed and dated February 16, 1988. The applicant also provided a Legalization Front-Desking Questionnaire that is signed and dated February 23, 2001, which contains a date receipt stamp reflecting that the questionnaire had been received at CIS's Vermont Service Center on March 1, 2001. In addition, the applicant submitted a Form I-797, Notice of Action, dated March 9, 2001, from the Vermont Service Center informing her that her questionnaire was being rejected and returned because it had been received after the administrative deadline of February 20, 2001. These documents are listed in 8 C.F.R. § 245a.14 as examples of documents which may be furnished in an effort to establish that an alien had previously applied for class membership.

The Form I-687 legalization application and the legalization questionnaire are both completed in ink with a "live" inked signature. Thus, these are original documents, rather than photocopies of what the applicant purportedly submitted in the past. If the applicant had actually submitted any of these documents prior to October 1, 2000, they would be in the possession of CIS, and the applicant would only have photocopies to furnish now in this LIFE proceeding. An examination of CIS records fails to disclose any evidence of this applicant having previously filed any of these forms prior to the receipt of the legalization questionnaire on March 1, 2001. In fact, no CIS file was ever created in the name of the applicant until she subsequently filed this LIFE Act application on May 24, 2002.

In her subsequent response to the notice of intent to deny, the applicant submitted photocopies of the Form I-687 legalization application and the legalization questionnaire, as well as a photocopied "Form for Determination of Class Membership in *CSS v. Meese*" dated August 16, 1989. While the determination form is dated August 19, 1989, an examination of the record fails to disclose any evidence that this document was submitted to CIS prior to the receipt of the applicant's response to the notice of intent to deny on October 15,

2002. The applicant failed to put forth any explanation as to why, if this document had been in her possession since August 16, 1989, she did not include it with her LIFE Act application, as applicants were advised to provide evidence *with* their applications and she had included other supporting evidence with her application.

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 her failure to document that she 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.