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Washington, DC 20536



U.S. Citizenship  
and Immigration  
Services

[Redacted]

FILE: [Redacted] Office: Missouri Service Center Date: APR 28 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 filed a claim for class membership in the form of a legalization front-desking questionnaire with the Vermont Service Center, which was denied on March 4, 2003. The applicant asserts that she first attempted to file a legalization application with the Immigration and Naturalization Service (INS) in 1987, but the INS told her she did not qualify.

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.

Along with her LIFE application, the applicant provided the following pertinent documentation:

- 1) a photocopied appointment notice (Form G-56) to the applicant from the INS office in Los Angeles, dated August 31, 1987, scheduling an interview for September 17, 1987 "concerning your immigration status so that we may respond to an inquiry by the Dept. of Public Soc. Services."
- 2) an original Legalization Front-Desking Questionnaire, signed by the applicant and dated August 26, 1999, in which the applicant asserted that she attempted to file an application for legalization under the Immigration Reform and Control Act of 1986 ("IRCA") at an INS office in New York City in 1987, but that the INS officer refused to accept ("front-desked") her application because the applicant had been absent from the United States for awhile in 1986;
- 3) a photocopied Affidavit for Determination of Class Membership in League of United Latin American Citizens v. INS (*LULAC*), signed by the applicant and dated January 29, 2001;
- 4) a photocopied letter from the applicant to the INS, Vermont Service Center, dated January 29, 2001, in which the applicant asserted that she attempted to file a legalization application under IRCA on or about April 4, 1988 in New York City, but was "front-desked" by the INS officer because she had traveled outside the United States after May 1, 1986; and
- 5) a photocopied Form I-687, application for status as a temporary resident under section 245A of the Immigration and Nationality Act (IRCA), signed by the applicant but undated.

With her appeal the applicant submitted a decision by the Vermont Service Center, dated March 4, 2003, denying the applicant's "claim to seek an adjudication of your application for legalization benefits" based on the applicant's legalization questionnaire, which "*was signed and dated on January 29, 2001.*" (Emphasis added.)

None of the foregoing documentation demonstrates that the applicant filed a timely claim for class membership in *LULAC*, or either of the other legalization lawsuits, *CSS* or *Zambrano*. The G-56 interview notice addressed to the applicant in 1987, as indicated in the box entitled "reason for appointment," did not pertain to any claim for class membership in one of the legalization lawsuits. As for the Legalization Front-Desking Questionnaire dated August 26, 1999, Citizenship and Immigration Services (CIS), successor to the INS, has no record of receiving any questionnaire from the applicant at that time. Nor has the applicant furnished any evidence, such as a postal receipt or an acknowledgement letter from the INS, that the questionnaire was sent to the agency in 1999, or any time prior to October 1, 2000, the statutory deadline to file a claim for class membership in one of the legalization lawsuits. Casting further doubt on whether any questionnaire was sent to the INS in 1999 is the fact that the Legalization Front-Desking Questionnaire in the record is an *original document*, not a photocopy. Even if the applicant might have filled it out in 1999, she evidently did not submit it to the INS at that time.

The decision of the Vermont Service Center, dated March 4, 2003, was based on a questionnaire signed and dated by the applicant on *January 29, 2001*. That was after the October 1, 2000 deadline, set in section 1104(c)(2)(B)(i) of the LIFE Act, to file a claim for class membership in one of the legalization lawsuits. Thus, the Legalization Front-Desking Questionnaire submitted by the applicant on January 29, 2001 was not a timely filed claim for class membership. The same applies to the affidavit for determination of class membership in *LULAC* and the applicant's letter to the Vermont Service Center, both dated January 29, 2001. Neither of those documents was filed with the INS before October 1, 2000, and therefore they do not constitute evidence of a timely claim for class membership in *LULAC*. As for the undated Form I-687, there is no evidence, and the applicant does not even assert, that it was prepared anytime prior to the filing of the instant LIFE application (Form I-485) in June 2002. In her Legalization Front-Desking Questionnaire, moreover, the applicant stated that she "destroyed" the original I-687 form she completed in 1987 after it was "front-desked" by the INS.

The evidence of record, therefore, does not establish that the applicant filed a written claim for class membership prior to October 1, 2000 in *LULAC*, or either of the other legalization lawsuits, *CSS* or *Zambrano*, as required under section 1104(b) of the LIFE Act.

Accordingly, the applicant is ineligible for permanent resident status under the LIFE Act.

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