



U.S. Citizenship
and Immigration
Services

FILE:  Office: NATIONAL BENEFITS CENTER Date: **AUG 10 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 office that originally decided your case. 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.

Robert P. Wiemann, Director
Administrative Appeals Office

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invasion of personal privacy

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits 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 indicates that she attempted to file a legalization application but was prevented from doing so. The applicant states that she did not register for class membership because "...there was no requirement for registration...."

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 and her subsequent response to the notice of intent to deny, the applicant included photocopies of the following documents:

- a Form I-687 legalization application that is signed by the applicant and dated November 17, 1987;
- a "Form for Determination of Class Membership in *CSS v. Meese*" that is signed by the applicant and dated October 26, 1988, and;
- a Legalization Front-Desking Questionnaire that is signed by the applicant and dated August 7, 2000.

The documents provided by the applicant 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. Although all of the documents are dated prior to October 1, 2000, the statutory deadline for the filing of written claims for class membership in a legalization class-action action under section 1104 of the LIFE Act, the record contains no evidence that any of these documents were submitted to the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Service, or CIS) prior to the filing of the LIFE Act application on January 31, 2003.

In the front-desking questionnaire, the applicant indicated that she attempted to file a legalization application for temporary residence under section 245A of the Immigration and Nationality Act (INA), but was told that she was not eligible by an employee of a Qualified Designated Entity, or QDE (a network of organizations designated by Congress in an effort to encourage and assist aliens in filing applications for temporary residence under both sections 210 and 245A of the INA). While the applicant may have been front-desked (informed that she was not eligible for temporary residence) when she attempted to file a legalization application in the original application period from May 5, 1987 to May 4, 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. Furthermore, the applicant has never claimed that she subsequently either attempted to or in fact filed the legalization application and related documents with the Service in the interim period up until the filing of her

LIFE Act application. As stated above, an examination of the record fails to disclose any evidence of this applicant having previously filed such forms with the Service or its successor CIS prior to the submission of her LIFE Act application on January 31, 2003. The applicant's statement on appeal that she did not register for class membership because there was no requirement for registration only serves to reinforce the conclusion that she made no claim relating to class membership prior to such date.

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.