



U.S. Citizenship
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FILE:



Office: NATIONAL BENEFITS CENTER

AUG 25 2004

Date:

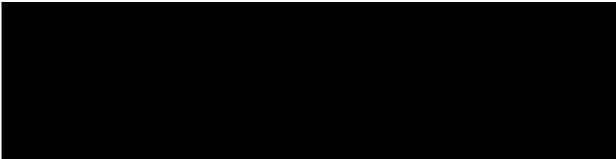
IN RE:

Applicant:



PETITION: 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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. 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, National Benefits 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, counsel for the applicant submits a separate statement in which he asserts that the applicant had originally filed a timely application for legalization at the New York Legalization Office of the Immigration and Naturalization Service or INS (now, Citizenship and Immigration Services, or CIS) but was discouraged from doing so by an unidentified INS officer. Counsel further asserts that, prior to October 1, 2000, the applicant submitted an application for class membership in CSS to the New York Legalization Office and was informed that she would be receiving an appointment notice by mail in connection with her class membership application. However, according to counsel, the applicant never received any such notification.

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.

With her LIFE application, the applicant has submitted an unsigned and undated form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act. While an I-687 application might possibly serve as evidence of having been "front-desked" or otherwise discouraged or prevented from applying for legalization under section 245A of the Immigration and Nationality Act (INA), it does *not* constitute an application for class membership under any of the aforementioned class-action lawsuits.

Counsel, on appeal, asserts that, prior to October 1, 2000, the applicant submitted an application for class membership in CSS to the New York Legalization Office and was informed that she would be receiving an appointment notice by mail in connection with her class membership application. However, according to counsel, the applicant never received any such notification. Counsel's assertions in this regard can be neither confirmed nor denied based on the record. In any case, there is no indication in CIS administrative or computer records that the applicant ever attempted to file a timely application for class membership in CSS. In fact, no CIS Alien Registration File (or A-file) was ever created in the name of the applicant until her LIFE application was received on December 16, 2002.

It is concluded that the material and statements provided by counsel and the applicant fail to establish that the applicant actually filed a timely written claim for class membership in CSS, as required in section 1104(b) of

the LIFE Act. The applicant is, therefore, 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.