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U.S. Department of Homeland Security
Citizenship and Immigration Services

LS

ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street, N.W.
Washington, D.C. 20536

[REDACTED]

FILE:

[REDACTED]

Office: National Benefits Center

Date:

JAN 13 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:

[REDACTED]

INSTRUCTIONS:

Attached is the decision rendered on your appeal. 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
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. It is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director concluded the applicant had not established that he 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 asserts that the applicant qualifies for LIFE legalization because he attempted to file an I-687 form "in the 1980s . . . but was front desked."

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.

In response to a CIS notice of intent to deny, dated October 10, 2002, counsel submitted a Legalization Questionnaire and a Form I-687, Application for Status as a Temporary Resident (Under Section 245A of the Immigration and Nationality Act). Although both documents are listed in 8 C.F.R. § 245a.14 as forms of evidence an alien can submit to demonstrate that he or she filed a claim for class membership in *CSS*, *LULAC*, or *Zambrano*, the documents signed by the applicant are dated November 4 and 10, 2002, respectively. This was more than two years after the statutory deadline of October 1, 2000, for filing class membership applications. See section 1104(b) of the LIFE Act. Thus, the subject documentation is not evidence of a timely filed claim for class membership.

Counsel asserts that the applicant's alleged "front deskings" constitutes a claim for class membership in one of the requisite lawsuits. Even if the applicant did attempt "in the 1980s" to file a Form I-687, Application for Temporary Status (Under Section 245a of the Immigration and Nationality Act), that action would have been the first step in the process of seeking permanent resident status under the statutory provisions of the Immigration Reform and Control Act of 1986 (IRCA). It would not have constituted a claim for class membership in one of the

subsequent legalization class action lawsuits in the federal court system. Filing a claim for class membership in one of the lawsuits was a separate and distinct action from applying for temporary status under IRCA.

As the director thoroughly discussed in his decision, none of the documentation submitted by the applicant establishes that he filed a timely written claim for class membership in the *CSS*, *LULAC*, or *Zambrano* lawsuit. Thus, 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.