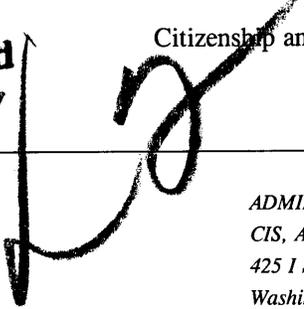


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Citizenship and Immigration Services



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



FILE: 

Office: National Benefits Center

Date:

**JAN 22 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: 

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 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

**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, counsel states that the applicant qualifies for LIFE legalization because she filed her legalization questionnaire before the administrative deadline of February 2, 2001, as established by the Service (now Citizenship and Immigration Services, or CIS). In addition, counsel asserts that the applicant's filing of her legalization questionnaire should be considered timely because she attempted to file her questionnaire before the subsequently established statutory deadline of October 1, 2000.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). 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 support of her application and in response to the notice of intent to deny, the applicant submitted photocopies of her Legalization Front-Desking Questionnaire, which is signed and dated September 25, 2000. Counsel asserts that the applicant's filing of her legalization questionnaire should be considered timely because she attempted to file her questionnaire before the statutory deadline. However, the record contains the applicant's original Legalization Front-Desking Questionnaire. The record shows that the original questionnaire was received by CIS's Vermont Service Center on October 10, 2000. Pursuant to the above, an alien would have to demonstrate that he or she had filed a written claim for class membership prior to October 1, 2000.

Counsel states that the applicant qualifies for LIFE legalization because she filed her legalization questionnaire before the administrative deadline of February 2, 2001. However, the initial administrative deadline of February 2, 2001 was contained in CIS instructions that were written before the passage of the LIFE Act.

The previously-authorized administrative deadline of February 2, 2001 for the filing of questionnaires was superseded with the passage of the LIFE Act, and the imposition of the statutory deadline of October 1, 2000 for the filing of a written claim for class membership. The basic statutory requirement of filing for class membership by October 1, 2000 must still be met in all cases, regardless of the previously-authorized administrative deadline established for filing questionnaires.

The record reflects all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership in a timely manner. Such check included a separate file, [REDACTED] which contained prior applications for voluntary departure and employment authorization under the Family Fairness Policy. That file has now been consolidated into the current record of proceeding. 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.