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U.S. Department of Homeland Security  
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Washington, DC 20529



U.S. Citizenship  
and Immigration  
Services

L2

[Redacted]

JUL 07 2004

FILE:

[Redacted]

Office: National Benefits Center

Date:

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 was reopened and denied again by the Director, National Benefits Center. The matter is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The directors concluded that the applicant had not established he had applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal the applicant asserts that he attempted to file an I-687 application during the original filing period of May 5, 1987 to May 4, 1988 and that he filed his subsequent legalization questionnaire before the deadline of February 2, 2001.

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.

The applicant contends in his appeal that his alleged attempt to file a legalization application during the original filing period between May 5, 1987 and May 4, 1988 (*i.e.*, under the Immigration Reform and Control Act of 1986, or “IRCA”) constitutes a timely application under section 1104 of the LIFE Act. The applicant is incorrect. Regardless of whether he was “front-desked” during the original filing period, the applicant would be eligible for legalization under the LIFE Act only if he filed a written claim for class membership in one of the legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, before October 1, 2000. As the Director, National Benefits Center, clearly stated in his decision, however, none of the evidence submitted by the applicant established that he filed a claim for class membership before October 1, 2000. The applicant has not submitted any new argumentation or evidence on appeal to challenge the director’s determination.

With his LIFE application (Form I-485) the applicant submitted a photocopy of a Legalization Front-Desking Questionnaire, dated December 8, 2000, in which he claimed that an INS officer in Houston, Texas, had refused to accept (*i.e.*, “front-desked”) his application for legalization when he tried to file it during the one-year filing period under IRCA – May 5, 1987 to May 4, 1988. The applicant’s file includes the *original* of the front-desking questionnaire, which was stamped as received by the INS Vermont Service Center on January 29, 2001. In order to qualify for late legalization under the LIFE Act, however, an alien must demonstrate that he or she filed a written claim for class membership in one of the legalization lawsuits before October 1, 2000.

Even if the questionnaire had been filed with the Vermont Service Center before October 1, 2000, it would not have constituted a timely claim for class membership in one of the legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*. The Legalization Front-Desking Questionnaire, with its submission deadline of February 2, 2001, was unrelated to any claim for class membership in one of the legalization lawsuits. Rather, the questionnaire was part of a separate program designed to identify applicants who attempted to

apply for legalization during the original filing period from May 5, 1987 to May 4, 1988, but whose applications were rejected, or "front-desked." Under this program the questionnaire was reviewed by the Vermont Service Center to determine whether the front-desking claim was valid. If the claim was found to be valid, the applicant was advised thereof by letter and instructed to file a Form I-687, application for temporary residence, with the Texas Service Center.

By letter dated November 19, 1981, the Vermont Service Center advised the applicant that he had established his "front-desking" claim and instructed him to file an I-687 application with the Texas Service Center. The adjudication of an I-687 application by the Texas Service Center, however, has nothing to do with the adjudication of the applicant's I-485 application under the LIFE Act, which is currently before the AAO. The applicant appears to have recognized this difference in the letter he wrote on December 5, 2003 in support of the instant appeal, in which he indicated that he would send his Form I-687 and supporting evidence to the Texas Service Center for adjudication.

Submitting a Legalization Front-Desking Questionnaire to the Vermont Service Center, in other words, does not constitute the filing of a claim for class membership in one of the legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, required by section 1104(b) of the LIFE Act. Nor does it alter the statutory requirement, likewise specified in section 1104(b) of the LIFE Act, that the written claim for class membership must have been filed prior to October 1, 2000. Thus, the applicant's Legalization Front-Desking Questionnaire does not represent a timely claim for class membership.

For the reasons discussed above, the applicant has failed to establish that he filed a written claim for class membership in one of the legalization lawsuits before October 1, 2000, as required under section 1104(b) of the LIFE Act.

Accordingly, the applicant is 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.