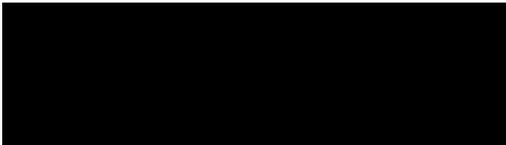




U.S. Citizenship
and Immigration
Services



FILE:



Office: National Benefits Center

Date: JUN 7 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:

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 counsel asserts that the applicant was “front-desked” when he tried to apply for legalization during the amnesty program in 1987-88, that he successfully submitted an application in 1990 at an Immigration and Naturalization Service (INS) office in New York City, and that he later submitted an affidavit of circumstances attesting to his timely filing of a claim for class membership in one of the legalization class-action lawsuits before October 1, 2000.

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.

With his LIFE application the applicant submitted a photocopy of a Legalization Front-Desking Questionnaire, dated “01-2001,” in which he claimed that an INS officer in New York City had refused to accept (*i.e.*, “front-desked”) his application for legalization under the Immigration Reform and Control Act of 1986 (“IRCA”) when he tried to file it during the one-year filing period of May 5, 1987 to May 4, 1988. Although the questionnaire is dated January 2001, the INS (now Citizenship and Immigration Services, or CIS) has no record of receiving it until the instant LIFE application was filed in February 2002. Both dates are after October 1, 2000, the statutory deadline to file a claim for class membership in one of the legalization lawsuits, *CSS*, *LULAC* or *Zambrano*. Thus, the Legalization Front-Desking Questionnaire does not constitute evidence of a timely claim by the applicant for class membership in a legalization lawsuit.

In the notice of appeal counsel asserted that the applicant, after being “front-desked” during the original legalization program under IRCA, submitted an application in 1990 at an INS office in New York City. According to counsel the INS officer kept the applicant’s documents, indicated that an appointment date would be mailed to him, but no appointment date ever came. The record contains no documentary evidence, however, that any application for class membership in a legalization lawsuit was filed in 1990. There is no acknowledgement letter from the INS, for example, or any other correspondence from the INS in later years indicating that a class membership claim was filed by the applicant. In fact, CIS (INS) has no record of receiving any correspondence from the applicant until the instant LIFE application was filed in February 2002. That was long after the deadline of October 1, 2000 to file a claim for class membership in one of the legalization lawsuits.

Thus, the record fails to establish that the applicant filed a written claim for class membership in one of the legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, 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.