



U.S. Citizenship
and Immigration
Services

FILE:

Office: NATIONAL BENEFITS CENTER

Date: JUN 8 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:

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 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.

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, 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, the applicant reiterates her claim that she is eligible for permanent residence under the LIFE Act, and that she has submitted all available documents demonstrating such eligibility.

The applicant appears to be represented; however the record does not contain a completed and signed Form G-28, Notice of Entry of Appearance as Attorney or Representative. All representations will be considered but the decision will be furnished only to the applicant.

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.

With her LIFE Act application, the applicant included a photocopy of a notice addressed to her and dated August 31, 2001, from the Vermont Service Center of the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS). This notice identified the applicant as "...a class member, or a **class member applicant** [emphasis added] of the class action lawsuit *CSS v. Reno*." The notice informed the applicant that she was not currently entitled to employment authorization as the legalization questionnaire that she had previously submitted to the Service had been denied. The applicant submitted the legalization questionnaire to the Service as part of a separate program instituted to identify aliens who had been "front desked" (informed they were not eligible for legalization) during the initial application period from May 5, 1987 to May 4, 1988, and allow such aliens to subsequently file the Form I-687 legalization application as if it had been timely filed.

On appeal, the applicant asserts that the Service notice dated August 31, 2001, clearly identified her as a class member. However, the notice clearly states that the applicant is "a class member, or class member applicant." The applicant was considered to be a class member applicant because she submitted a legalization questionnaire to the Service on or about January 25, 2001, as part of the separate program discussed in the previous paragraph. The record shows that the Service subsequently denied the legalization questionnaire on March 22, 2001. The separate program instituted to identify aliens who had been front desked utilizing the legalization questionnaire is entirely outside the scope of this current proceeding under the LIFE Act.

The record reflects that all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership in a timely manner prior to October 1, 2000. 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.