



U.S. Citizenship
and Immigration
Services

2-2

[Redacted]

FILE:

[Redacted]

Office: National Benefits Center

Date:

APR 1 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:

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

Administrative Appeals Office
National Benefits Center
U.S. Citizenship and Immigration Services

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, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The directors 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 Immigration and Naturalization Service (Vermont Service Center) specifically recognized the applicant as a class member or class member applicant in the *CSS v. Reno* lawsuit, *infra*, and that the applicant had also submitted a questionnaire to establish a claim for class membership in the *LULAC v. INS* lawsuit, *infra*. Counsel submitted a photocopy of a letter from the Vermont Service Center to the applicant, which was already in the record, which allegedly supports the applicant's assertion that he filed a timely claim for class membership.

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 documentation submitted on appeal consists of a letter to the applicant from the Vermont Service Center, dated February 24, 2001, which was previously in the record and fully discussed in the decision issued by the director of the National Benefits Center. The Vermont Service Center denied the applicant's Form I-765, Application for Employment Authorization, because the questionnaire he had submitted failed to establish that he had been "front-desked" during the original filing period for applications under section 245A of the Immigration and Nationality Act (INA). Counsel cites language on page one of this letter stating that: "Service records indicate you are a class member or a class member applicant of the class action lawsuit, *CSS v. Reno*." Page two of the letter further explained "you submitted a questionnaire to this Service on October 30, 2000." The questionnaire was denied, however, because the applicant "failed to establish your claim that a Service officer or QDE [qualified designated entity] refused to accept your legalization application during the designated time period between May 5, 1987, and May 4, 1988."

There is no indication in this letter that the applicant filed a claim for class membership in *CSS*, or *LULAC*, prior to October 1, 2000, as required to be eligible for legalization under section 1104(b) of the LIFE Act. The record includes the applicant's questionnaire dated October 30, 2000, which was after the statutory deadline of October

1, 2000. For purposes of the LIFE Act it cannot constitute a timely claim for class membership in *CSS*, or *LULAC*.

Counsel refers to the language in the Vermont Service Center's letter of February 24, 2001, denying the application for employment authorization, stating that "Service records indicate you [the applicant] are a class member, *or a class member applicant* of the class action lawsuit, *CSS vs. Reno*." (Emphasis added.) This appears to be boilerplate language that, in sum, simply acknowledges that the applicant (seemingly) applied for class membership in *CSS*. Actually, the questionnaires submitted to Vermont Service Center in 2000 did not constitute requests for class membership anyway, but rather were part of a separate program intended to simply determine who had not been allowed to apply for legalization during the 1987-88 period.

In any event, for the purposes of late legalization under the LIFE Act, the applicant has failed to establish that he filed a written claim for class membership in *CSS*, or *LULAC*, or the other legalization lawsuit, *Zambrano* as required under section 1104(b) of the 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.