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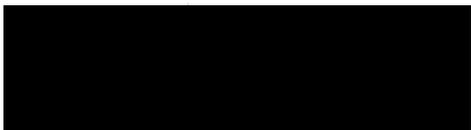
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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



U.S. Citizenship and Immigration Services



FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date: **MAR 04 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: 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
for

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, National Benefits Center, and is now before the Administrative Appeals Office 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 submits a separate statement in which she asserts that she qualifies for LIFE legalization because she filed her legalization questionnaire before February 2, 2001.

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.

In support of her application, the applicant submitted a photocopy of a Legalization Front-Desk Questionnaire dated *November 2, 2000*. The applicant's file does include the *original* of this front-desking questionnaire, which was received by Citizenship and Immigration Services' (CIS) Vermont Service Center on *November 7, 2000*. Pursuant to the above regulation, an alien would have to demonstrate that he or she had filed a written claim for class membership *prior to October 1, 2000* in order to qualify for late legalization under the LIFE Act.

In response to the notice of intent to deny, the applicant resubmitted the questionnaire provided in support of her application. The applicant also submitted photocopies of a Form I-687, Application for Status as a Temporary Resident and a Form for Determination of Class Membership in *CSS v. Reno*. These documents, as well as the aforementioned questionnaire, are listed in 8 C.F.R. § 245a.14 as examples of documents which may be furnished in an effort to establish that an alien had previously applied for class membership. Although both the Form I-687 and the determination form are dated February 15, 1994, there is nothing to indicate that either document was ever actually filed or was ever received by CIS. If the applicant truly had these copies in her possession since 1994, it would seem logical she would have furnished them with the questionnaire which was submitted on November 7, 2000. Moreover, the applicant does not explain *why*, if these documents were truly in her possession the entire time, she did not submit them along with her LIFE application, as applicants were advised to provide evidence *with* their applications.

The applicant, in response to the notice of intent to deny, also included a statement in which she acknowledged that the questionnaire was filed on November 7, 2000. The applicant claimed that she was, nevertheless, eligible for permanent resident status under the LIFE Act because she submitted the questionnaire before *February 2, 2001*, pursuant to instructions put forth by CIS.

On appeal, the applicant submitted another statement in which she claimed that she met the February 2, 2001 deadline. However, in her respective statements in response to the notice of intent to deny and on appeal, the applicant was referring to instructions CIS issued *prior* to the passage of the LIFE Act. These instructions related only to the February 2, 2001 deadline for attempting to obtain class membership in the legalization class-action lawsuits. The aliens that acquired class membership will eventually be notified as to how they may proceed under the litigated settlement. That settlement is entirely outside the scope of this current proceeding under the LIFE Act.

Here, *in the current proceeding*, the applicant has not applied for class membership in a lawsuit but rather has applied directly to CIS for permanent residence under the LIFE Act. The basic statutory requirement of having filed for class membership by October 1, 2000 must still be met in all LIFE cases, regardless of the other previously-authorized administrative deadline established for filing questionnaires.

Given her failure to document that she filed a timely 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.