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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

[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date: **MAR 10 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.

for
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, 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 asserts that she had attempted to file an application for class membership in the CSS legalization class-action lawsuit at the Citizenship and Immigration Services (CIS) Houston, Texas legalization office in 1987, but that her application was not accepted due to her having previously traveled to Mexico without authorization.

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.

A review of the applicant's file indicates that, prior to submitting her LIFE Application, which was received by CIS on May 21, 2002, she submitted a completed Legalization Front-Desking Questionnaire dated *February 1, 2001*, which was received by CIS's Vermont Service Center on *February 5, 2001*. However, pursuant to the aforementioned 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. As such, the questionnaire submitted by the applicant does *not* meet the basic requirement for class membership of having been filed in a timely manner. The remainder of the documentation provided by the applicant, while it may possibly serve as evidence of identity and residence, fails to establish her having filed a timely claim for class membership.

The applicant, on appeal, asserts that she had attempted to file an application for class membership in the CSS legalization class-action lawsuit at the Citizenship and Immigration Services (CIS) Houston, Texas legalization office in 1987, but that her application was not accepted due to her having previously traveled to Mexico without authorization. However, it should be emphasized that, in 1987, at the time the applicant claims to have attempted to apply for class membership, the CSS legalization class-action lawsuit had not as yet been initiated and the May 5, 1987 to May 4, 1988 application period for temporary residence (legalization) under the Immigration Reform and Control Act (IRCA) would still have been in effect.

Given her failure to establish 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.