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U.S. Citizenship
and Immigration
Services

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LA

FILE:



Office: National Benefits Center

Date: MAR 23 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 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

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Missouri Service Center. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant had not established 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 applied for class membership in the *LULAC* lawsuit, *infra*, when she "filed a front-desking questionnaire with the Vermont Service Center on January 23, 2001, after INS extended the time to file from October 1, 2000 to February 2, 2001."

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.

In support of her LIFE application, the applicant submitted a copy of a Legalization Front-Desking Questionnaire, dated January 23, 2001, accompanied by a letter to the INS Vermont Service Center in which the applicant asserted that on April 24, 1988 an INS officer in New York City had refused to accept (*i.e.*, "front-desked") her legalization application under the Immigration Reform and Control Act of 1986 ("IRCA"). The applicant's file does include the *original* of the front-desking questionnaire, which was stamped as received by the Vermont Service Center on January 26, 2001. Also submitted with the LIFE application was a photocopied Affidavit for Determination of Class Membership in LULAC, signed by the applicant and likewise dated January 23, 2001. In order to qualify for late legalization under the LIFE Act, however, an alien must demonstrate that he or she had filed a written claim for class membership prior to October 1, 2000.

In response to the director's notice of intent to deny, the applicant submitted a statement asserting that INS had extended the filing deadline from October 1, 2000 to February 2, 2001. Since the applicant submitted her questionnaire on January 23, 2001 (which was received by INS three days later), she argues that she met the filing deadline. The applicant makes the same argument on appeal, and asserts that the questionnaire constitutes her written claim for class membership in *LULAC*.

The February 2, 2001 deadline, however, appeared in CIS instructions that were issued *prior* to the passage of the LIFE Act. The February 2, 2001 deadline was for aliens, like the applicant herein, attempting to obtain class membership in the legalization class-action lawsuits by demonstrating that INS had prevented them from filing legalization applications under IRCA, *supra*, during the late 1980s. By decision dated December 10, 2001, the Vermont Service Center held that the information provided on the applicant's questionnaire failed to establish that she attempted to file an application under IRCA which was rejected, or front-desked, by the INS. As for those aliens who acquired class membership, they 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 resident status 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. Since the applicant's Legalization Front-Desking Questionnaire and Form for Determination of Class Membership in LULAC were not submitted to the Vermont Service Center until January 2001, under the LIFE Act neither document is evidence of a timely, and therefore legally valid, claim for class membership in *LULAC*.

Thus, the evidence of record does not establish that the applicant filed a written claim for class membership in *LULAC*, or either of the other two legalization lawsuits, *CSS* 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.