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Handwritten initials "KJ"

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: MAY 06 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 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.

Handwritten signature of 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 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, the applicant asserts that he should be considered a class member because he attempted to file an application for temporary residence under section 245A of the Immigration and Nationality Act (INA) in 1987, but was turned away by an employee of the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Service, or CIS). The applicant contends that he subsequently filed the Legalization Questionnaire with the Service by the administrative deadline of February 2, 2001. The applicant submits documentation in support of his appeal.

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 his LIFE Act application, the applicant neither claimed nor documented that he filed a written claim to class membership. In response to the notice of intent to deny, the applicant submitted a statement in which he declared that he was attempting to obtain evidence to demonstrate that he applied for class membership.

On appeal, the applicant claims that he attempted to file a legalization application under section 245A of the INA in 1987, but was turned away by an employee of the Service. While the applicant may have been front-desked (informed that he was not eligible for legalization) when he attempted to file a legalization application, this action alone does not equate to having filed a written claim for class membership in any of the requisite legalization class-action lawsuits.

The applicant asserts that he is eligible for class membership because he submitted the legalization questionnaire before February 2, 2001 pursuant to instructions put forth by CIS. In support of this claim, the applicant submits a copy of an undated Legalization Front-Desking Questionnaire. The applicant's file does include the original of this front-desking questionnaire, which was received by CIS' Vermont Service Center on February 5, 2001. However, the record also contains another separate and original Legalization Front-Desking Questionnaire that is signed by the applicant and was received by the Vermont Service Center on January 30, 2001. 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.

The applicant is apparently referring to instructions CIS issued prior to the passage of the LIFE Act. Those 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 litigation 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 his failure to document that he 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.