

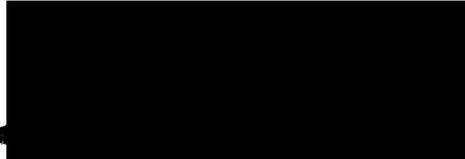
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**U.S. Citizenship
and Immigration
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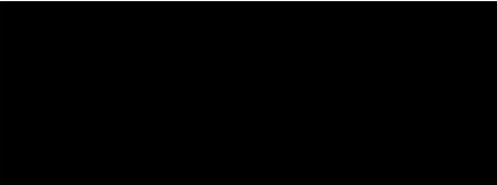
Office: NATIONAL BENEFITS CENTER

Date: **MAY 17 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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

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, reopened, and denied again by said Director. The matter is now before the Administrative Appeals Office 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, from the initial Notice of Decision, the applicant asserted that he is eligible for permanent resident status under the LIFE Act, and submitted a copy of page one of an undated notice from the Vermont Service Center, which indicated he was a class member under the class action lawsuit, *Reno v. Catholic Social Services*.

Neither counsel nor the applicant has addressed the subsequent Notice of Decision nor provided any evidence to overcome the director's findings.

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.

Along with his LIFE application, the only document the applicant submitted was a G-325A Biographical Information Form. In response to the initial Notice of Intent to Deny issued on November 9, 2001, the applicant provided a copy of a letter issued by the Vermont Service Center on July 25, 2001, which addressed the Legalization Front-Desking Questionnaire dated January 31, 2001 by the applicant. 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 a timely written claim to class membership.

The applicant, on appeal, provided another copy of a letter issued by the Vermont Service Center on July 25, 2001, which was provided to the applicant upon his filing of a Form I-765 Application for Employment Authorization. It appears that the applicant is claiming to be eligible because he submitted the questionnaire before *February 2, 2001* pursuant to instructions put forth by Citizenship and Immigration Services (CIS).

These instructions were issued by CIS *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 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 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.