



U.S. Citizenship  
and Immigration  
Services

12

[REDACTED]

FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER Date: SEP 01 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:

[REDACTED]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. 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.

Robert P. Wiemann, Director  
Administrative Appeals Office

**PUBLIC COPY**  
identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy

**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 (AAO) 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, counsel asserts that the applicant should be considered a class member because she attempted to file an application for temporary residence under section 245A of the Immigration and Nationality Act (INA) during the application period, but was turned away by a Service (now Citizenship and Immigration Service, or CIS) employee. Counsel contends that the applicant subsequently filed a legalization application with another Service employee at the 24th Street office in New York, New York. Counsel claims that this employee kept the applicant's legalization application and supporting documents, and informed her that she would receive an appointment letter at a later date. Counsel declares that the applicant never received any further correspondence from CIS regarding the application or appointment.

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.

Counsel asserts that the applicant is eligible for permanent residence under the provisions of the LIFE Act because she had attempted to file an application under section 245A of the INA during the application period. While the applicant may have been front-desked (informed that she was not eligible for legalization) when she 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.

Counsel contends that the applicant subsequently filed a legalization application with another Service employee at the 24th Street office in New York, New York. Counsel claims that this employee kept the applicant's legalization application and supporting documents, and informed her that he would receive an appointment letter at a later date. Counsel declares that the applicant never received any further correspondence from CIS regarding the legalization application or appointment. However, counsel's contentions regarding this second filing attempt can neither be confirmed nor denied from the record. With her LIFE Act application, the applicant included a Form I-687, Application for Temporary Resident Status under Section 245A of the Immigration and Nationality Act (INA). However, the Form I-687 legalization application is clearly a contemporaneous document as it completed in ink and includes the applicant's most recent places of residence through the date she submitted her LIFE Act application on March 14, 2003. Therefore, the applicant could not have submitted the Form I-687 legalization application to either the Service or its successor CIS prior to the receipt of her LIFE Act application.

The record reflects that all appropriate indices and files were checked and it was determined that both the applicant had not applied for class membership in a timely manner. Given her failure to document that she timely



filed a 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.