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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: NATIONAL BENEFITS CENTER Date: SEP 23 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

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) during the application period at the Austin, Texas Legalization Office of the Immigration and Naturalization Service, or Service (now Citizenship and Immigration Service, or CIS). The applicant contends that he subsequently returned to the Service's Austin, Texas legalization office to complete the filing of the legalization application on May 5, 1988, only to be informed that he would receive correspondence regarding the legalization application at a later date.

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 included a signed and undated Legalization Front-desking Questionnaire. While the front-desking questionnaire is listed in 8 C.F.R. § 245a.14 as a document that may be furnished in an effort to establish that an alien had previously applied for class membership, a review of the record reveals no evidence that the applicant filed this document before October 1, 2000 as required by 8 C.F.R. § 245a.10. Rather, the record shows that the front-desking questionnaire was not received prior to the filing of the applicant's LIFE Act application on November 4, 2002.

The applicant contends that he first visited a Service legalization office in Austin, Texas to file a legalization application during the application period. However, a Service employee informed him that could not file his legalization application and related documents because he did not have a money order to pay the corresponding $185.00 fee at that moment. The applicant declares that this Service employee kept his legalization application and documents and told him to return the next day with the money order to complete the filing of the legalization application. The applicant indicates that he did not return the next day, but subsequently returned to the Service's Austin, Texas legalization office to complete the filing of the legalization application on May 5, 1988. The applicant states that he could not find the Service employe[redacted] who had previously kept his legalization application, but indicates that another Service employee informed him that he would receive correspondence regarding the legalization application at a later date. However, the applicant's claims regarding the specific circumstances surrounding his attempts to file a legalization application can neither be confirmed nor denied from the record. Furthermore, the applicant has failed to provide any independent evidence to corroborate his claims.

The applicant indicates that he is eligible for permanent residence under the provisions of the LIFE Act because he 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 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 record reflects that all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership in a timely manner. Given his failure to document that he 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.