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U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date: **SEP 23 2007**

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 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 contends that she is a class member in a legalization class-action lawsuit because she submitted a legalization questionnaire to the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) prior to October 2000. The applicant asserts that the letter she received from the Service's Vermont Service Center is proof of her class membership. The applicant includes a photocopy of this letter with her 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 her LIFE Act application, in response to the notice of intent to deny and on appeal, the applicant included a photocopy of a notice addressed to her and dated February 24, 2001, from the Service's Vermont Service Center (VSC). This notice identified the applicant as "...a class member, or a **class member applicant** [emphasis added] of the class-action lawsuit *CSS v. Reno*." The notice informed the applicant that she was not currently entitled to employment authorization as the legalization questionnaire that she had previously submitted to the Service on October 30, 2000 had been denied. The applicant submitted the legalization questionnaire to the Service as part of a separate program designed to identify applicants who attempted to apply for legalization during the period of May 5, 1987 to May 4, 1988, but whose applications were rejected or "front-desked." Under this program, the questionnaire was reviewed by the VSC to determine whether the front-desking claim was valid. If it was found to be valid, the applicant was instructed to file a Form I-687, application for temporary residence, with the Texas Service Center. The application was then adjudicated as though filed during the initial filing period.

Submitting a questionnaire to the VSC under this program is not the equivalent of filing a written claim to class membership under one of the LIFE Act related lawsuits, nor does it alter the requirement that the written claim must have been filed prior to October 1, 2000 as stated in 8 C.F.R. § 245a.10.

On appeal, the applicant asserts that the Service notice dated February 24, 2001, clearly identified her as a class member. However, as has been noted previously, the notice clearly states that the applicant is "...a class member, or a class member applicant...." The applicant was considered to be a class member applicant because she submitted a legalization questionnaire to the Service on October 30, 2000, as part of the separate program discussed above. The record shows that the Service subsequently denied the legalization

questionnaire on February 21, 2001 because she failed to establish that she had been front-desked when she attempted to apply for legalization during the period of May 5, 1987 to May 4, 1988. The separate program instituted to identify aliens who had been front-desked utilizing the legalization questionnaire is entirely outside the scope of this current proceeding under the LIFE Act.

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 prior to October 1, 2000. 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.