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U.S. Department of Homeland Security
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U.S. Citizenship
and Immigration
Services

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FILE: 

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant: 

MAR 28 2005

PETITION: 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. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if the matter 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, 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, the applicant claims to have sent a request for class membership to both the Washington, D.C. as well as the St. Albans, Vermont offices of the U.S. Immigration and Naturalization Service or INS (now Citizenship and Immigration Services, or CIS). In addition, the applicant asserts she had previously attempted to file an application for legalization, but was informed that she failed to qualify due to having engaged in unauthorized departure from the U.S. The applicant also submits photocopies of documentation she had submitted previously in the application process.

The applicant appears to be represented; however, the individual identified as representing the applicant is not authorized to do so under 8 C.F.R. § 292.1 or § 292.2. Therefore, the notice of decision will be furnished only to the applicant.

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: [REDACTED] vacated sub nom. [REDACTED] 509 U.S. 43 (1993), *League of United Latin American Citizens v. INS*, vacated sub nom. [REDACTED] 509 U.S. 43 (1993), or [REDACTED] v. *INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). 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. The regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

Along with her LIFE application, the applicant provided the following:

- a Form I-687, Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act, dated March 28, 1988;
- a Legalization Questionnaire dated December 18, 1999;
- a one-page fact-sheet entitled "CSS v. RENO;" and
- an undated affidavit that described his purported attempts to apply for legalization during the actual filing period of May 5, 1987 to May 4, 1988.

The one-page "CSS v. Reno" fact sheet submitted by the applicant was issued by the INS in order to provide information and guidance regarding the ramifications of the CSS legalization class-action lawsuit. The submission of this instructional leaflet does *not* establish that the applicant has filed a timely claim for class membership.

The Form I-687 application was purportedly completed March 14, 1988. This date would have been well within the May 5, 1987 to May 4, 1988 application period for applying for temporary residence (legalization) under the Immigration Reform and Control Act (IRCA). While this photocopied application might serve as evidence of being "front-desked" or otherwise discouraged or prevented from applying for legalization under section 245A of the Immigration and Nationality Act (INA), it does *not* constitute an application for class membership under any of the aforementioned class-action lawsuits.

In addition, had the applicant actually filed a Legalization Front-Desking Questionnaire with CIS on December 17, 1999, as claimed, a file would normally have been created at that point. However, there is no indication in CIS administrative or computer records of the applicant ever having filed this document. In fact, no CIS file was ever created in the name of the applicant until she filed her LIFE application on April 23, 2003.

Given her failure to establish having 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.