



U.S. Citizenship
and Immigration
Services

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FILE: [REDACTED]
MSC 02 003 61132

Office: NATIONAL BENEFITS CENTER

Date: MAR 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:

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. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, National Benefits Center, denied the application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act. Following a subsequent appeal of that denial, the Administrative Appeals Office (AAO) remanded the application for issuance of a new decision. The director again denied the application and certified his decision to the AAO. The director's decision will be affirmed.

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.

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.

On appeal, the applicant asserted that he applied for legalization but was refused, and that when he heard on the news about CSS, he again attempted to apply but was told that CSS had been canceled.¹ The applicant submitted no documentation on certification.

Along with his LIFE application, the applicant submitted a copy of a Form I-687, Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act, dated December 5, 1995, a copy of a Legalization Questionnaire dated January 26, 2001 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 questionnaire submitted by the applicant is dated January 26, 2001 and was received by Citizenship and Immigration Services (CIS) on February 1, 2001. Pursuant to the above 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.

The questionnaire submitted by the applicant is related to 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 Vermont Service Center (VSC) to determine whether the front-desking claim was valid. If it was

¹ The record contains a Form G-28, Notice of Entry of Appearance as Attorney or Representative, purporting to authorize [REDACTED] to act on behalf of the applicant. The regulation at 8 C.F.R. § 103.2(a)(3) specifies that an applicant may be represented "by an attorney in the United States, as defined in § 1.1(f) of this chapter, by an attorney outside the United States as defined in § 292.1(a)(6) of this chapter, or by an accredited representative as defined in § 292.1(a)(4) of this chapter." In this case, the person listed on the G-28 is not an authorized representative.

found to be valid, the applicant was instructed to file a Form I-687 application for with the Texas Service Center (TSC). The application was then adjudicated as though filed during the initial filing period. The applicant was advised by letter dated November 14, 2001 that he met this requirement, and was advised to file a Form I-687 with the TSC. The record reflects that a Form I-687 application is currently pending with the TSC.

Nonetheless, 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.

No record maintained by CIS confirms that the applicant filed a timely written claim for class membership in any of the requisite class-action lawsuits. Accordingly, 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.