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U.S. Department of Homeland Security
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Washington, DC 20529



U.S. Citizenship
and Immigration
Services

L2

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FILE:



Office: NATIONAL BENEFITS CENTER

Date: JUN 12 2006

MSC 03 224 60652

IN RE:

Applicant:



APPLICATION:

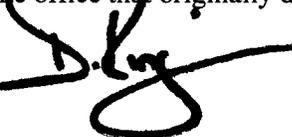
Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

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.


Robert P. Wiemann, Chief
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 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 asserts that she attempted to file an application during the amnesty period, but was refused. The applicant states that a qualified designated entity (QDE) informed her that she did not qualify.

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.

Along with her LIFE application, the applicant submitted: 1) a Legalization Front-Desking Questionnaire purportedly signed by the applicant on August 8, 2000; 2) a Form I-687, Application for Status as Temporary Resident under section 245A of the Immigration and Nationality Act, purportedly signed by the applicant on August 17, 1989; 3) a Form for Determination of Class Membership in *CSS vs. Meese* questionnaire purportedly signed by the applicant on December 6, 1989; and 3) documentation to establish her identity.

In response to the Notice of Intent to Deny issued on January 28, 2004, the applicant submitted photocopies of documents that were previously provided.

The documentation presented to establish the applicant's identity does not constitute that the applicant filed a timely written claim to class membership prior to October 1, 2000.

The questionnaire submitted relates 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. There is no record of VSC receiving this document. 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.

The remaining documentation could possibly be considered as evidence of having made a written claim for class membership, however, neither the Form for Determination of Class Membership nor the Form I-687 application includes an Alien Registration Number (A-number, or file number) for the applicant, as required in 8 C.F.R. § 245a.14(b). In addition, the Form for Determination of Class Membership does not indicate the issuing office or include the signature of any Citizenship and Immigration Services (CIS) officer. Furthermore, there is no record of CIS receiving any of the documents listed above prior to the submission of the applicant's LIFE application on May 12, 2003. As such, the photocopied documents the applicant has submitted cannot be authentic.

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On appeal, the applicant claims that she was informed by a QDE that she did not qualify for temporary residence. However, while the applicant may have been front-desked (informed that she was not eligible for temporary residence) 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.

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 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.