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



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

MSC 02 039 63836

Office: NATIONAL BENEFITS CENTER

Date: JUL 25 2006

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. 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, 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 (AAO) on appeal. The appeal will be dismissed.

The director concluded that the applicant had not established that he had applied for class membership in any of the requisite legalization class-action lawsuits before October 1, 2000. Therefore, the director denied the application.

On appeal, counsel resubmits a copy of the Immigration and Naturalization Service (INS) letter dated March 21, 2001 which acknowledges that the applicant submitted a Legalization questionnaire and accompanying information to the Vermont Service Center. This INS letter indicates that his submission established that the applicant attempted to file a Form I-687, Application for Status as a Temporary Resident, between May 5, 1987 and May 4, 1988, but the INS or a Qualified Designated Entity rejected the filing. According to the applicant's sworn statement submitted on appeal, this submission to the Vermont Service Center constitutes a timely, written claim to class membership.

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.

The INS letter dated March 21, 2001 submitted with the LIFE application and submitted again on appeal does not substantiate that the applicant filed a timely, written claim to class membership in a legalization class-action lawsuit. This INS letter, which does not refer to class membership, relates to a separate program designed to identify aliens who attempted to file for legalization during the original filing period of May 5, 1987 to May 4, 1988, but whose applications were improperly rejected or handed back at the "front desk" before being filed. Under this program, the Vermont Service Center reviewed an alien's Legalization questionnaire and accompanying information to determine whether the front-desking claim was valid. If it was found to be valid, the alien was instructed to file the Form I-687.¹ The Form I-687 would then be adjudicated as if it had been filed during the original filing period.

Submitting a Legalization questionnaire and accompanying information to the Vermont Service Center under this program is not the equivalent of filing a timely, written claim to class membership in a legalization class-action lawsuit as outlined at 8 C.F.R. § 245a.10.

¹ It appears counsel did send Form I-687 to the Texas Service Center on June 15, 2004.

The applicant has failed to submit documentation that establishes his having filed a timely, written claim for class membership in one of the legalization class-action lawsuits. The record reflects that all appropriate indices and files were checked and it was determined that the applicant had not submitted a timely, written application for class membership.

The applicant has failed to establish that he filed a timely, written claim for class membership in one of the requisite legalization class-action lawsuits. Thus, he 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.