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Bureau of Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536

AUG 18 2003

File:

Office: MISSOURI SERVICE CENTER

Date:

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).

IN BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS: Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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 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 states that she has submitted documentation establishing prima facie evidence that she had requested class membership. According to the applicant, she has not received any specifics on why she is being denied or what part of her documentation is not acceptable. The applicant requests that her application be given further consideration.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993).

The applicant failed to submit any documentation addressing this requirement when the application was filed. On rebuttal to a notice of intent to deny, the applicant provided a photocopy of a letter dated September 19, 2000, supposedly sent to Attorney General Reno, requesting that the applicant be registered in the Zambrano case. Pursuant to 8 CFR § 245A.10, a "Written claim for class membership" means a filing, in writing, in one of the forms listed in § 245a.14 which provides the Attorney General with notice that the applicant meets the class definition in the cases of *CSS*, *LULAC* or *Zambrano*." The letter, does not constitute a "form" and does not equate to the actual forms listed in 8 CFR § 245a.14, although that regulation also states other "relevant documents" may be considered. However, the very brief letter does not even begin to imply that the applicant could qualify for *Zambrano* class membership because it does not provide any relevant information upon which a determination could be made. Moreover, the applicant does not explain why, if this letter was truly in her possession the entire time, it had not been submitted along with her LIFE application. Such lack of explanation raises some questions about the authenticity of the letter.

On appeal, the applicant claims that she provided information showing her request for classification but has not been given any specifics as to why her application was denied. Contrary to the applicant's claim, there is nothing in the record to indicate that she filed an actual claim for class membership. Furthermore, she was sent, and apparently received, a Notice of Decision, which described in detail why the application was being denied. The center director pointed out that the photocopy of the letter does not establish that the original was ever received by the office of the Attorney General or this Bureau. The director also stated a review of all Bureau records, including a prior file which has been consolidated into the current file, failed to disclose any indication of the applicant having made a written claim for class membership. Therefore, the applicant's claim on appeal is not compelling.

Given her failure to document that she filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

In addition, it should be noted that the applicant indicated on her Form I-485 LIFE Application that she last entered the United States in January 1990. Pursuant to 8 C.F.R. § 245a.11(b), each applicant must demonstrate that he or she entered the United States prior to January 1, 1982. The applicant offers no evidence of any earlier entry into this country. It appears that the applicant is unable to meet this requirement as well.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.