

LR

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

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



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

File:

Office: MISSOURI SERVICE CENTER

Date: **AUG 22 2003**

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

PUBLIC COPY

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 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.

On appeal, the applicant asserts that he was unable to include a previously-completed Form I-687 and a "Form For Determination of Class Membership" among the documents accompanying his LIFE application, as these documents were now in Mexico and, therefore, unavailable for submission.

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).

In response to the Notice of Intent to Deny, the applicant submitted a photocopy of a letter dated July 23, 2000, purportedly sent by the applicant to Attorney General Janet Reno. In his letter, the applicant requested that he be classified as a member of the *CSS v. Meese* legalization class-action lawsuit. Pursuant to 8 CFR § 245A.10, a *written claim for class membership* refers to a filing, in writing, in one of the forms listed in 8 C.F.R. § 245a.14 which provides the Attorney General with notice that the applicant meets the class definition in the cases of *CSS*, *LULAC* or *Zambrano*." While 8 C.F.R. § 245a.14 indicates that other "relevant documents" may be considered, the photocopied letter provided by the applicant does not constitute a "form;" nor does it correspond to the actual forms listed in 8 CFR § 245a.14.

Moreover, the very sketchy letter to Attorney General Reno does not even begin to imply that the applicant could qualify for class membership in the *CSS* lawsuit because it does not provide any relevant information upon which a determination could be made. Furthermore, the applicant provides no explanation as to why, if this letter was truly in his possession the entire time, it had not been submitted *initially* along with his LIFE application. Such lack of explanation raises questions about the authenticity of the letter.

On appeal, the applicant provides documentation submitted previously in connection with a prior application for temporary resident status as a special agricultural worker. It appears the applicant, on appeal, may be confusing this special agricultural worker application with the requirement of filing a written claim for class membership in the one of the aforementioned legalization class-action lawsuits. The applicant timely filed his application for temporary resident status as a special agricultural worker under section 210 of the INA. This application was subsequently denied.

According to 8 C.F.R. § 245a.10, an alien is eligible for consideration under the LIFE Act if he or she filed a written claim for class membership in one of the legalization class-action lawsuits cited in the previous paragraph, regardless of whether the alien had previously applied for temporary resident status under either sections 245A or 210 of the INA. Nevertheless, section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of a timely filed and previously denied application for temporary resident status as a special agricultural worker under section 210 of the INA.

Given the applicant's failure to submit documentation indicating his having filed a timely written claim for class membership, 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. The record reflects that a prior remand from the AAO regarding a decision on an application for temporary residence as a special agricultural worker has not as yet been complied with. The director shall refer the matter to the California Service Center for final adjudication.