



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

**PUBLIC COPY**

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



FILE: [Redacted] Office: NATIONAL BENEFITS CENTER Date: DEC 10 2003

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

Identifying data deleted to  
prevent unauthorized  
invasion of personal privacy

INSTRUCTIONS: Attached is the decision rendered on your appeal. The file has been returned to the National Benefits Center. 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, 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 (AAO) 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 is providing additional documentation in support of his application. According to the applicant, this subsequently-submitted documentation had not been available to him at the time he initially filed his LIFE application because it had been stored in Mexico.

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 applicant failed to submit any documentation addressing this requirement when the application was filed. In response to the notice of intent to deny, the applicant provided a photocopy of a letter dated September 17, 2000, supposedly sent to Attorney General Reno, requesting that the applicant be registered in the LULAC 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 LULAC class membership because it does not provide any relevant information upon which a determination could be made.

In addition, it must also be noted that the applicant is one of numerous aliens who did not furnish such letters to the Attorney General (virtually all dated from September 15th to September 25th, 2000) with their LIFE applications and yet provided them only upon receiving letters of intent to deny. It is further

noted that all of these aliens had their LIFE applications prepared by M.E. Real of Professional Tax Service, Santa Maria, California. In addition, none of these aliens have provided any evidence, such as postal receipts, which might help demonstrate that the letters were actually sent to the Attorney General. Given the importance of the letters, it would be reasonable to conclude that at least some of the aliens would have sent them via certified or registered mail.

On appeal, the applicant submits the following:

- a photocopied a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was purportedly signed by the applicant on February 8, 1988;
- a photocopied Form for Determination of Class Membership in CSS v. Meese, allegedly signed by the applicant on March 1, 1996; and
- a photocopy of a notice dated March 17, 1996 reflecting that the applicant was to be interviewed on March 28, 1996 at the CIS office in Los Angeles, California, regarding the question of his eligibility for class membership in the CSS or LULAC class-action lawsuits.

These photocopied submissions provided by the applicant could be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. 245a.14(d). However, in this case, none of the documents submitted include a Citizenship and Immigration Services (CIS) Alien Registration Number (A-number) for the applicant. Nor does the photocopied interview notice include the signature of any CIS officer. Moreover, the documents carry no CIS receipt stamps and there is no record of CIS having generated or received such notices. It should also be noted that the documents in question consist *entirely* of photocopies.

The applicant asserts that these photocopied documents submitted on appeal were not provided at the time he filed his LIFE application because they had previously been stored by the applicant in Mexico and were therefore unavailable. However, this explanation is less than credible in that the applicant was able to accompany his LIFE application with *other* supporting documentation without indicating that he possessed *additional* documentation pertinent to his claim to class membership.

An examination of the record discloses that the applicant has provided documentation relating to an application he had previously filed for temporary resident status as a special agricultural worker under section 210 of the INA. The applicant timely filed an application for temporary resident status as a special agricultural worker under section 210 of the INA, and this application was subsequently denied. The applicant appealed the denial of his application, and this appeal was dismissed by the AAO. In any case, 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 credible 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.