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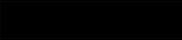
U.S. Department of Homeland Security
Citizenship and Immigration Services

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



SEP 30 2003

File 

Office: Phoenix

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).

ON 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 Acting District Director, Phoenix, Arizona, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The acting 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 reiterates his claim that he is a class member in a legalization class-action lawsuit by submitting a "Form for Determination of Class Membership in CSS vs Meese." The applicant also submits photocopies of a previously submitted separate application for temporary resident status under section 245A of the Immigration and Naturalization Act (INA). The applicant includes documentation relating to the adjudication of this separate application with his appeal.

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 (LULAC) v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc. (CSS)*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano (Zambrano)*, 509 U.S. 918 (1993). 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 he filed his LIFE Act application. On rebuttal to a notice of intent to deny, the applicant provided a photocopy of a letter dated September 23, 2000, supposedly sent to Attorney General Reno, requesting that the applicant be registered in the CSS case. Pursuant to 8 C.F.R. § 245a.10, a *written claim for class membership* means a filing, in writing, in one of the forms listed in 8 C.F.R. § 245a.14 that 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 any of the actual forms listed in 8 C.F.R. § 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

membership in a legalization class action lawsuit because it does not provide any relevant information upon which a determination could be made. Moreover, the applicant offers no explanation as to why, if this letter were truly in his possession the entire time, he did not submit it with his LIFE Act application, as applicants were advised to provide evidence with such applications. In addition, it must be noted that the applicant is one of numerous aliens who did not furnish such letters virtually all dated from September 15, 2000 to September 25, 2000, with their LIFE Act applications and yet provided them only upon receiving a letter of intent to deny. These factors raise questions about the authenticity of the letter that the applicant purportedly sent to the Attorney General.

On appeal, the applicant submits a photocopy of a "Form for Determination of Class Membership in *CSS vs Meese*," which is dated October 18, 1996. There is no evidence in this file that the applicant ever submitted this document to CIS and there are no other CIS files relating to the applicant. In addition, the document does not contain any indication such as a date stamp or receipt stamp to reflect that it was ever received by the CIS. Once again, the applicant offers no explanation as to why, if this document were truly in his possession the entire time, he did not submit it with his LIFE Act application or with his response to the notice of intent to deny, as applicants were advised to provide evidence with such applications and in response to subsequent notices. An examination of the record fails to disclose that any documentation concerning a request for class membership was filed by the applicant by October 1, 2000. Therefore, the applicant's claim that he is a class member in a legalization class-action lawsuit is not compelling.

With his application for permanent residence under the LIFE Act, in response to the notice of intent to deny, and now on appeal, the applicant provides documentation relating to the prior adjudication of a separate application he had submitted for temporary resident status under section 245A of the INA. The applicant timely filed his application for temporary resident status under section 245A of the INA on July 15, 1987, and this application was denied on June 29, 1990. The applicant appealed the denial of his application and this appeal was dismissed by the AAO on March 30, 1994. Section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of the matter, as the original application for temporary resident status under section 245A of the INA had been filed by the applicant in a timely manner. The legalization class-action lawsuits mentioned above relate to aliens who claim they did not file applications in the 1987-1988 period because they were improperly dissuaded by CIS.

The record reflects that all appropriate indices and files were checked and it was determined that the applicant had not applied



for class membership. Given his failure to credibly document that he filed a 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.