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U.S. Department of Homeland Security
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Washington, DC 20536



**U.S. Citizenship
and Immigration
Services**



FILE: 

Office: National Benefits Center

Date: **APR 13 2004**

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:

This is the decision of the Administrative Appeals Office in your case. 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
for

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. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant had not established 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 has already submitted documentation addressing the requirement of applying for class membership. He requests that this documentation be reviewed again and that further consideration be given to his case.

An applicant for permanent resident status under section 1104 of 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 one 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 section 1104(b) of the LIFE Act and 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.

In his LIFE application, filed May 31, 2002, the applicant asserted that he was eligible for legalization based on CSS, but furnished no documentary evidence that he had filed a written claim for class membership in that lawsuit. In response to the director's notice of intent to deny, the applicant submitted a photocopy of a letter addressed to [REDACTED] dated September 19, 2002, in which the applicant purportedly sought to be registered as a class member in CSS. 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 § 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 in this case does not constitute a "form" and does not equate to the actual forms listed in 8 C.F.R. § 245a.14, although that regulation states that other "relevant documents" may also be considered. The applicant's brief letter, however, does not even begin to imply that he could qualify for CSS class membership because it does not provide any relevant information upon which a determination could be made.

It must be noted that the applicant is one of many aliens who furnished such identically-worded letters, virtually all dated in September 2000. All of these aliens had their LIFE applications prepared by [REDACTED] of a California company called Professional Tax Service, Inc. None of these aliens has 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 is reasonable to conclude that at least some of the aliens would have sent them via certified or registered mail. In addition, the statements on appeal submitted by these aliens, none of whom asserts to be represented by counsel, are identical. All of these factors raise grave questions about the authenticity of the letters. In fact, none of them has been found to be authentic.

Most of the above-discussed letters submitted by other applicants bear dates in September 2000, when [REDACTED] was still the Attorney General. In this case, another factor casting even further doubt on the letter's authenticity is that in September 2002, when the applicant allegedly wrote to the Attorney General [REDACTED] had been out of office for close to two years. John Ashcroft was the Attorney General in September 2002. Moreover, even if the applicant could establish that he sent the subject letter

to the (misidentified) Attorney General on September 19, 2002, that date was nearly two years after the statutory deadline of October 1, 2000 to file a claim for class membership in *CSS* or one of the other legalization lawsuits. Based on the entire record, it is concluded that the photocopied letter the applicant has submitted, dated September 19, 2002 and addressed to Attorney General Janet Reno, is *not* a true copy of an authentic document. Even if it were, the letter's date precludes it from being considered as evidence of a timely claim for class membership in *CSS*.

The applicant furnishes no further evidence on appeal, but claims on his appeal form that the documentation previously submitted demonstrates that he submitted a "request for classification." The applicant complains that he has not been given any specifics as to why his application was denied. Contrary to the applicant's contention, the Notice of Decision explained that the application was being denied because none of the documentation submitted by the applicant or on record with the Immigration and Naturalization Service (now Citizenship and Immigration Services, or CIS) established that a timely claim for class membership had been filed - *i.e.*, prior to October 1, 2000 - in one of the requisite legalization lawsuits.

Thus, the applicant has failed to establish that he filed a written claim for class membership in *CSS* or either of the other two legalization lawsuits, *LULAC* or *Zambrano*, prior to October 1, 2000, as required under section 1104(b) of the LIFE Act.

Accordingly, the applicant is ineligible for permanent resident status under the LIFE Act.

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