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U.S. Department of Homeland Security
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Washington, DC 20529



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



[Handwritten signature]

FILE:



Office: National Benefits Center

Date:

AUG 03 2004

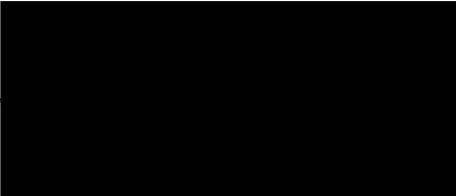
IN RE:

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. 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.

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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 was reopened and denied again by the Director, National Benefits Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The directors 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 she has submitted documentation establishing that she had requested class membership. The applicant further states that in 1997, when she filed, an attorney was representing her in California and she lived at a different address in Philadelphia.

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.

Along with her LIFE application, the applicant submitted a photocopied Form I-687 Application for Status as a Temporary Resident under section 245A of the INA purportedly signed by her on March 16, 1988. The applicant may have attempted to file the Form I-687 in March 1988, but such an attempt would not reflect an actual request for class membership in a lawsuit. Also, the applicant submitted a photocopy of a letter dated August 20, 1997, supposedly sent to former President Clinton and former Attorney General Reno which she entitled: "An Application for Late Amnesty-CSS V. Reno, Newman (LULAC) v. Reno, or Immigrant Assistance Project V. INS." 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 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 the actual forms listed in 8 C.F.R. § 245a.14, although that regulation also states other "relevant documents" may be considered. However, the letter does not even begin to imply that the applicant could qualify for *Zambrano* or *CSS v. Meese* or *LULAC* class membership because it does not provide sufficient information upon which a determination could be made.

In a letter dated August 16, 2003, the applicant claims to have filed for class membership on March 16, 1988, August 20, 1997 and on May 5, 2002. As indicated above, March 16, 1988 pertains to the date that she purportedly signed and may have attempted to file her Form I-687. August 20, 1997 is the date she supposedly sent a letter to former President Clinton and former Attorney General Reno and May 5, 2002 is

the date she filed her LIFE application. The applicant has not established that she filed a written claim for class membership in any of the three class-action lawsuits on any of the three dates that she provided.

On appeal, the applicant submitted a letter dated August 29, 1997 from an acquaintance in Pennsylvania, which indicates that the applicant could not submit "his" complete amnesty applicant in 1987-1988 because she was told by INS that they were not accepting applications from people in "his" situation. She also submitted a "Client Membership Form," an "Applications-Amnesty Cases Information" and "Late Amnesty Reply Form" and a "Questionnaire Form for Applicants under CSS and LULAC" issued by the Center for Human Rights and Constitutional Law in Los Angeles. There is nothing in these documents that establishes that the applicant filed a written claim for class membership in one of the three legalization class-action lawsuits.

For the reasons discussed above the applicant has failed to establish that she filed a written claim for class membership prior to October 1, 2000, in *CSS*, *LULAC*, or the other legalization lawsuit, *Zambrano*, as required under section 1104(b) of the LIFE Act.

Accordingly, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

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