

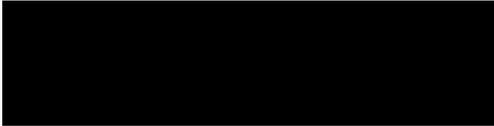
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**U.S. Citizenship
and Immigration
Services**

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FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER Date: **JUN 12 2006**
MSC 02 247 60771

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

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. Any further inquiry must be made to that office.

for
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, National Benefits Center, denied the application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act. Following a subsequent appeal of that denial, the Administrative Appeals Office (AAO) remanded the application for issuance of a new decision. The director again denied the application and certified his decision to the AAO. The director's decision will be affirmed.

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.

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 asserts that he successfully filed a claim for membership in a class action lawsuit based on a September 15, 2000 letter to the Attorney General of the United States in care of the California Service Center. The applicant states:

In the legal community often when a class-action lawsuit is settled or 'consent-decreed' the parties publish in a periodical of general circulation or mail individuals from a list notification as to how to join membership in the class. The common practice is to write a letter and ask[] to be included in the class. Among many settlements arising from 'consent decree' cases a simple letter requesting class membership inclusion will suffice. Studying the decision of the [*CSS*, *LULAC*, and *Zambrano*] case consolidations I carefully noted that a letter addressed to the [A]ttorney General would suffice. The logic behind my mailing to the Attorney General is that he/she has authority over those administering/implementing the decision.

Thus, in regard to the proper party to mail the decision, I as a class member, desiring to become included in the class met the simple requisite: namely, mailed a letter to the highest authority in a chain-of-command. In my fair assessment, I met the required [sic] of the above quoted requirement: "All persons who filed for class membership."

The applicant submitted a copy of a letter dated September 15, 2000 addressed to the Immigration and Naturalization Service (legacy INS) asking for inclusion as a member of the *CSS* class-action lawsuit. The applicant also submitted a copy of a PS Form 3800, Certified Mail Receipt, showing that an item was sent to the "Attorney General of U.S.A." in care of the California Service Center.

In his decision on remand, the director observed that the regulation at 8 C.F.R. § 245a.10 states, in pertinent part:

Written claim for class membership means 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*.

Accordingly, the applicant's letter is insufficient to establish that he filed a written claim with the Attorney General for inclusion in one of the class action lawsuits. Further, assuming that the letter was sufficient to establish a written claim for membership, the evidence submitted by the applicant failed to establish that the letter was received by the legacy INS, now Citizenship and Immigration Services (CIS). As noted by the director, the applicant submitted no evidence that the certified mail receipt was used to send the letter he allegedly sent to CIS. We note that while the certified mail receipt shows it was addressed to the Attorney General in care of the California Service Center, the letter is addressed to the legacy INS. This appears at odds with the applicant's claim that he sent the letter "to the highest authority in a chain-of-command."

The director further observed that:

LIFE legalization applies only to those persons who were previously unsuccessful in applying for legalization, and who subsequently applied for class membership. Members of the *CSS*, *LULAC*, and *Zambrano* lawsuits were comprised of those who filed or attempted to file for legalization under Section 245a by completing Form I-687 Application for Status as a temporary Resident, and that having their applications denied or being discouraged from filing their applications, they then filed a written claim to class membership before October 1, 2000.

Documentary evidence submitted by the applicant and CIS records indicate that the applicant filed a Form I-700, Application for Temporary Residence Status as a Special Agricultural Worker under Section 210 of the Immigration and Naturalization Act, on April 27, 1988. However, the director stated that a thorough search of CIS records failed to reveal that the applicant filed a written claim for membership in one of the specified legalization class-action lawsuits.

Given his failure to document that he filed a timely written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

ORDER: The director's October 22, 2004 decision is affirmed. The application is denied. This decision constitutes a final notice of ineligibility.