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U.S. Citizenship
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Services

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MAR 02 2005

FILE:

Office: NATIONAL BENEFITS CENTER

Date:

IN RE:

Applicant:

PETITION:

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

In both decisions, the directors 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 of the initial decision, the applicant reaffirmed his claim to having applied for class membership prior to October 1, 2000.

The applicant does not respond to the subsequent decision.

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 [REDACTED] 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 rebuttal to the initial notice of intent to deny, the applicant submitted a letter dated August 23, 2000, supposedly sent to Attorney General Reno, requesting that the applicant be registered in the *CSS v. Meese* class-action 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 *CSS v. Meese* class membership because it does not provide any relevant information upon which a determination could be made.

The applicant's submission of his letter to Attorney General Reno in rebuttal to the notice of intent to deny also leads one to inquire as to *why*, if this letter were truly in his possession the entire time, he did not submit it along with his LIFE application, as applicants were advised to accompany their applications with *all* available evidence. On appeal, the applicant claimed that some subsequently-submitted documents, including his prior application Form I-687 and his Form for Determination of Class Membership, had not been available at the time he initially filed his LIFE application because the material had purportedly been stored in Mexico and was, therefore, unavailable. However, the applicant has not as yet submitted the I-687 application or the determination form. Moreover, his explanation is less than credible in that he was able to accompany his LIFE

application with *other* supporting documentation without indicating that he also possessed *additional* documentation (such as the letter to the attorney general) pertinent to his claim to class membership.

The applicant has not provided any documentation which credibly establishes that he applied for class membership. Nor are there any records within Citizenship and Immigration Services or CIS (formerly, the Immigration and Naturalization Service or INS) which demonstrate that the applicant filed a timely written claim for class membership. Given his failure to establish that he filed a timely written claim for class membership in CSS or in any of the aforementioned legalization class-action lawsuits, 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.