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Bureau of Citizenship and Immigration Services

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



File:

Office: Missouri Service Center

Date: **AUG - 5 2003**

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).

PUBLIC COPY

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.

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

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 and, therefore, denied the application.

On appeal, the applicant indicates that he had filed an application for temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act (INA). The applicant submits photocopies of this application and supporting documents.

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 v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993).

It is noted that the director stated in the decision that the applicant was statutorily ineligible to adjust status under provisions of the LIFE Act because he had originally applied as a special agricultural worker under section 210 of the Immigration and Nationality Act (INA). According to 8 C.F.R. § 245a.10, an alien is eligible for consideration under the LIFE Act if he or she filed a written claim for class membership in one of the legalization class-action lawsuits cited in the previous paragraph, regardless of whether the alien had previously applied for temporary resident status under either sections 245A or 210 of the INA.

Bureau regulations provide an illustrative list of documents that an applicant may submit to establish that he or she filed a written claim for membership before October 1, 2000. 8 C.F.R. § 245a.14. The regulations also permit the submission of "[a]ny other relevant document(s)." 8 C.F.R. § 245a.14(g).

The applicant has not documented that he applied for class membership. In fact, the record shows that the applicant timely filed an application for temporary resident status as a special agricultural worker under section 210 of the INA on October 26, 1988, and that the application was ultimately denied on February

14, 1991. The record reflects that the applicant's appeal to this denial of his application was subsequently dismissed by the AAO on March 11, 1992. Section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of a timely filed and previously denied application for temporary resident status as a special agricultural worker under section 210 of the INA. Given his failure to document that he filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

It is noted that an applicant for permanent resident status under section 1104 of the LIFE Act must establish entry into the United States before January 1, 1982 and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. 8 C.F.R. § 245a.11(b). On the Form G-325A, Record of Biographic Information, that was submitted with the LIFE Act application, the applicant specifically acknowledged that he began residing in the United States in July 1985, after having previously resided in Bangladesh. Accordingly, the applicant is ineligible for permanent residence on this basis as well.

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