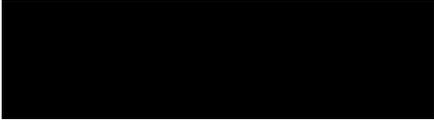


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U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services

identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

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 18 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.

for
Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was initially 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, it was concluded that 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.

On appeal of the initial decision, the applicant asserted that he first entered the U.S. in 1985. The applicant further asserted that in 1990, he was informed by an unspecified Bureau officer that he qualified for class membership in the CSS class-action lawsuit.

The applicant did not respond to the subsequent denial of his application. Therefore, the record shall be considered complete.

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).

In response to the initial Notice of Intent to Deny, the applicant submitted documentation relating to an application he had previously filed for temporary resident status as a special agricultural worker under section 210 of the INA. On appeal from the initial decision, the applicant asserted that he was previously admitted to the U.S. as an S-9 applicant for the purpose of completing a preliminary application for temporary resident status as a special agricultural worker. This application was subsequently denied. The applicant appealed the denial of his application, and his appeal was dismissed by the AAO. It should be noted that 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.

On appeal from the Bureau's initial decision, the applicant asserted that in 1990, he was informed by an unspecified Bureau officer that he qualified for class membership in the CSS class-action lawsuit. However, this assertion cannot be confirmed or denied based on the record of proceedings, which contains no documentation indicative of having filed a timely written claim for class membership in any of the aforementioned legalization class-action lawsuits.

The applicant also asserted in his appeal statement that his first entry into the U.S. occurred in 1985. Pursuant to 8 C.F.R. § 245a.11(b), each applicant for permanent resident status under the LIFE Act is required to demonstrate that he or she entered the United States prior to January 1, 1982. Given his inability to meet this requirement, along with his failure to document having filed a timely written claim for class membership, 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.