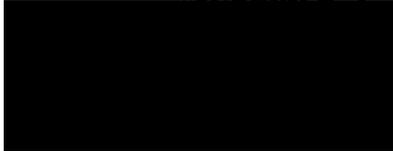


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U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services

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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 2000

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: Self-represented

PUBLIC COPY

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 makes reference to the application he had previously filed for temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act (INA). The applicant also asserts he subsequently filed an application for temporary residence under section 245A of the INA. However, there is no documentation in the record of proceedings to establish that the applicant ever applied for temporary residence under section 245A.

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).

The applicant failed to submit any documentation addressing this requirement at the time the application was filed. Instead, the applicant provided documentation relating to an application he had previously filed for temporary resident status as a special agricultural worker under section 210 of the INA. The applicant timely filed an application for temporary resident status as a special agricultural worker under section 210 of the INA, and this application was subsequently denied. The applicant appealed the denial of his application, and this appeal was dismissed by the AAO. The applicant has provided a copy of both the Bureau's denial as well as the AAO's dismissal.

It appears from his statements on appeal and in rebuttal, along with his accompanying submissions, that the applicant may have confused his prior application for special agricultural worker status with the requirement for eligibility under the LIFE Act that he file a timely written claim for class membership in one of the aforementioned legalization class-action lawsuits. It should also 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.

In response to the Notice of Intent to Deny, the applicant submitted a photocopy of a letter dated September 20, 2000, purportedly sent by the applicant to Attorney General [REDACTED]. In his letter, the applicant requested that he be registered and classified as a member of the *Zambrano* legalization class-action lawsuit. Pursuant to 8 CFR § 245A.10, a *written claim for class membership* refers to a filing, in writing, in one of the forms listed in 8 C.F.R. § 245a.14 which provides the Attorney General with notice that the applicant meets the class definition in the cases of *CSS*, *LULAC* or *Zambrano*. While 8 C.F.R. § 245a.14 indicates that other "relevant documents" may be considered, the photocopied letter provided by the applicant does not constitute a "form"; nor does it correspond to the actual forms listed in 8 CFR § 245a.14.

Moreover, the very sketchy letter to Attorney General Reno does not even begin to imply that the applicant could qualify for *Zambrano* class membership because it does not provide any relevant information upon which a determination could be made. Furthermore, the applicant provides no explanation as to why, if this letter was truly in his possession the entire time, it had not been submitted initially along with his LIFE application. Such lack of explanation raises questions about the authenticity of the letter. The document's reliability is also brought into question by the fact that the applicant is one of numerous applicants who, only after receiving word that the applications might be denied, furnished copies of letters dated on or around September 20, 2000 that had purportedly been sent to the Attorney General.

It is concluded that the applicant has not demonstrated that he filed a written claim with the Attorney General for class membership in any of the aforementioned legalization class-action lawsuits.

Finally, on the applicant's G-325A Biographic Information Form, he specified that he had resided in his native Bangladesh until May 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 the applicant's inability to meet this requirement, along with his failure to claim or 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.