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U.S. Department of Homeland Security

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

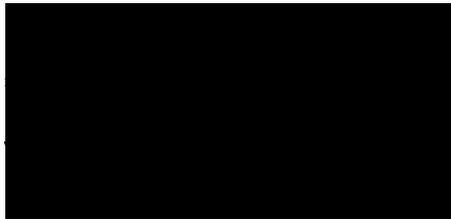
Date: **AUG 26 2003**

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).

ON BEHALF OF APPLICANT:



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 she 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 states that he "filed a claim under C.S.S. v Reno under section 245A" with the Service (now the Bureau). The applicant asserts that he filed this claim at the same time he had filed an application for temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act (INA).

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).

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).

On September 18, 2002, the Bureau issued a Notice of Intent to Deny to the applicant. The notice informed the applicant that he did not appear to be eligible to adjust status under section 1104 because the evidence of record did not establish that he had applied for class membership in one of the legalization class-action lawsuits mentioned above. The applicant was asked to submit any documentation or evidence he had received from the Bureau that proves that he had applied for class membership prior to October 1, 2000.

In response, counsel submitted a statement relating to an individual other than the applicant. It was concluded that the evidence submitted did not establish that the applicant had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000, and the application for permanent resident status under the LIFE Act was denied.

While the applicant claims that he filed for class membership, neither counsel nor the applicant has provided any evidence to corroborate this claim. The applicant timely filed an application for temporary resident status as a special agricultural worker under section 210 of the INA on April 29, 1988, and the application was denied on July 16, 1990. The applicant's appeal to the denial of his application was dismissed on September 8, 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.

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