

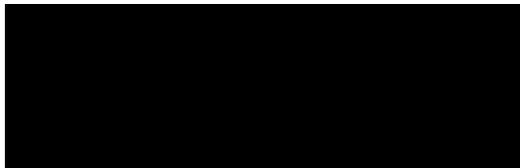
PUBLIC COPY

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



AUG 29 2003

File:

Office: MISSOURI SERVICE CENTER

Date:

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

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 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 reaffirms his prior claim to eligibility for temporary residence as a special agricultural worker. In addition, the applicant asserts that the denial of his LIFE application was arbitrary and unreasonable and a violation of due process.

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, in rebuttal to the director's notice of intent to deny, or on appeal. 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.

The applicant, on appeal, asserts that the denial of his LIFE application was arbitrary and unreasonable and a violation of due process. However, the record shows that, prior to the issuance of the decision denying his LIFE application, the applicant was

provided by the director with a notice of intent to deny his application due to the absence of documentation establishing eligibility for permanent residence under the LIFE Act. The applicant was also allotted 30 days in which to submit further evidence in support of his application. The evidence and accompanying statement provided by the applicant on appeal fail to establish his having applied for class membership in any of the aforementioned legalization class-action suits. Accordingly, in denying the application, due process has not been violated by the Bureau.

Finally, on the applicant's G-325A Biographic Information Form, he indicated that he had resided in his native Bangladesh until October 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.