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

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



FILE:  Office: NATIONAL BENEFITS CENTER

Date: **NOV 06 2003**

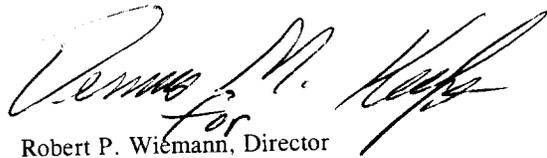
IN RE: APPLICANT: 

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).

IN 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 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 states that he is seeking reconsideration of his application. The applicant also provides additional documentation and states that he would submit a brief and/or evidence within 30 days. Over 10 months later, there has been no further response from the applicant.

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). See 8 C.F.R. § 245a.10.

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

The applicant failed to submit any documentation addressing this requirement when the application was filed. On rebuttal to the notice of intent to deny, he provided a letter in which he stated that he had a written claim for class membership and had enclosed a copy. The applicant submitted a photocopy of a Form G-66 Appointment Notice dated August 29, 1994. This notice pertained to the applicant's filing of a Form I-700 Application for Temporary Resident Status as a Special Agricultural Worker. That application does not constitute a written claim for class membership in any of the above-mentioned lawsuits.

On appeal, the applicant submitted an unreadable copy of an employment authorization card and resubmitted a copy of the G-66. The applicant also provided additional documentation regarding his Form I-700 as well as copies of tax forms. These documents do not establish that the applicant filed a claim for class membership. Citizenship and Immigration Services (CIS) records do establish

that the applicant's claim for temporary resident status under section 210 was denied, and the applicant's appeal was dismissed.

An alien whose legalization (Special Agricultural Worker) application was timely filed and accepted would not have had a need to have joined a class-action lawsuit with those who were not permitted to apply. There is no reason to believe the applicant would have applied for class membership in any of the above-mentioned lawsuits, and there is no evidence that he did.

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.