

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, counsel stated that the applicant filed for benefits prior to October 1, 2002. According to counsel, the applicant asserted a claim which was broad enough to incorporate both section 210 and section 245 of the Act. Counsel also stated that a brief and/or evidence will be submitted within 30 days. To date, more than nine months later, there has been no further response from the applicant or counsel.

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 (CSS)*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), *League of United Latin American Citizens v. INS (LULAC)*, 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 (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. The regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

In support of his application, the applicant submitted a personal affidavit and accompanying documentation. In his affidavit, the applicant claimed that on October 11, 2000, he renewed his work permit and/or made a renewed claim to CSS. The supporting document, which is a photocopy of a Citizenship and Immigration Services (CIS) identification inquiry, simply identifies the applicant by name, date of birth and physical characteristics. The applicant did not provide any evidence that he had previously applied for class membership.

On rebuttal to a letter of intent to deny, the applicant provided a chart listing all of his previous applications and claims with CIS as well as copies of the document. However, there is nothing on the chart, in the applicant's file, or in CIS' records that establishes any type of written claim to CSS, LULAC or Zambrano

membership was made. All applications, claims and corresponding dates listed on the chart pertain to the applicant's section 210 Form I-700 Application for Temporary Resident Status as a Special Agricultural Worker which was filed on November 2, 1988.

On appeal, counsel states that the applicant's claim for temporary resident status under section 210 was broad enough to encompass a claim under the general legalization or amnesty section 245a as well. However, although both of the sections concern legalization, the criteria for obtaining the requested status are markedly different in each instance. There is nothing in the regulations or the law that implies that applying for status under section 210 confers, or can confer, status under section 245A on an applicant. The applicant's claim for temporary resident status under section 210 was denied, and the applicant's appeal was dismissed.

An alien whose legalization 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 that, 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.