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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: OCT 8 - 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).

PUBLIC COPY

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 asserted that when he initially completed his application for permanent resident status under the LIFE Act, he was under the impression that he qualified for this benefit. The applicant also makes reference to section 210 of the Immigration and Nationality Act (INA), which relates to eligibility for temporary resident status as a special agricultural worker. In addition, the applicant submitted an additional Form I-485 Application to Register Permanent Resident or Adjust Status, as well as an additional Biographic Information Form G-325A (it is not clear why the applicant re-submitted these forms, as he had completed and submitted *both* forms previously at the time he initially applied for permanent residence under the LIFE Act).

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 at the time the application was filed, in rebuttal to the director's notice of intent to deny, or on appeal. An examination of the record indicates 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. In any case, 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.

It is noted that an applicant for permanent resident status under section 1104 of the LIFE Act must establish entry into the United States prior to January 1, 1982 and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. 8 C.F.R. § 245a.11(b). On his Form I-485, the applicant showed that four of his children born between November 3, 1982 and November 2, 1987 had Mexico listed as their country of birth. Clearly, this brings into question whether the applicant had in fact resided continuously in the U.S. since January 1, 1982. However, this issue need not be addressed further as the applicant has failed to demonstrate that he applied for membership in the legalization class-action lawsuits cited above. Accordingly, 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.