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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



OCT 10 2003

FILE: [REDACTED]

Office: [REDACTED] BENEFITS CENTER

Date:

IN RE: Applicant: [REDACTED]

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.

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 affirms his eligibility for permanent resident status under the LIFE Act as one who had filed for class membership in the Catholic Social Services, Inc. v. Meese class-action lawsuit prior to October 1, 2000.

In addition, the applicant asserts that he believes he has been denied due process in that he has not had the opportunity to respond to and clarify the issues raised in the decision denying his application. However, a review of the record discloses that the applicant was duly sent, and apparently received, a Notice of Decision, which described in detail why his application was being denied. As such, the applicant's right to due process has not been violated.

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.

In an attempt to establish eligibility for class membership, the applicant provided documentation relating to an application he claimed to have previously filed for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA). This documentation indicated that a previous SAW application filed by the applicant had already been denied by Citizenship and Immigration Services (CIS) and the applicant's appeal of that denial was subsequently 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 the director stated in the decision that the applicant was statutorily ineligible to adjust status under provisions of the LIFE Act because he had originally applied as a special agricultural worker under section 210 of the INA. According to 8 C.F.R. § 245a.10, an alien is eligible for consideration under the LIFE Act if he or she filed a written claim for class membership in one of the legalization class-action lawsuits cited in the previous paragraph, regardless of whether the alien had previously applied for temporary resident status under either sections 245A or 210 of the INA.

The applicant also submitted the following documentation: a photocopied a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was purportedly signed by the applicant on May 10, 1993; and a photocopied Form for Determination of Class Membership in *CSS v. Thornburgh (Meese)*, which was also allegedly signed by the applicant on May 10, 1993. These photocopied submissions provided by the applicant could be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. 245a.14(d). However, in this case, none of the documents in question include an A-number for the applicant. Furthermore, the applicant provides no explanation whatsoever as to *why*, if he truly had these documents in his possession the entire time, he did not submit them with his LIFE application. Applicants were instructed to provide qualifying evidence with their applications.

In addition, a review of the applicant's G-325A Biographic Information Form discloses that he resided in his native Bangladesh from May 1940 until March 1984. 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 and commenced residing in the United States *prior to January 1, 1982*. Given the applicant's inability to meet this requirement, 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.