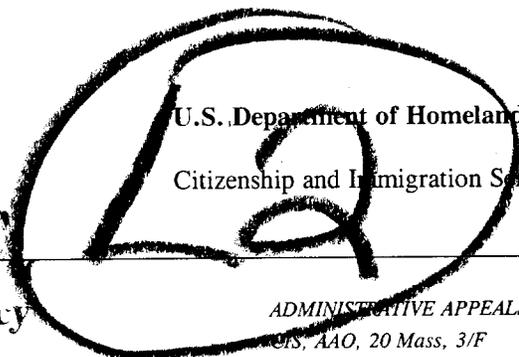


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U.S. Department of Homeland Security
Citizenship and Immigration Services



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



OCT 10 2003

File:



Office: NATIONAL BENEFITS 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).

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 (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 CSS/LULAC class-action lawsuit prior to October 1, 2000. In addition, the applicant asserts that additional documentation that would have supported his claim to eligibility is no longer in his possession as it was previously provided to an attorney who no longer resides in the U.S.

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 INA. In connection with that application, the applicant submitted a photocopied Form I-797 Rejection Notice from the Vermont Service Center dated March 1, 1996, indicating 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. However, 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 also submitted the following documentation: a photocopied Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was supposedly signed by the applicant on September 25, 1987; a photocopied Legalization Front-Deskling Questionnaire purportedly signed by the applicant on February 20, 2000; and a Form I-797 Notice of Action from the Vermont Service Center dated October 3, 1991 informing the applicant that a previously scheduled interview to determine eligibility for class membership under CSS/LULAC would be cancelled and rescheduled for another date.

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; nor does the photocopied interview notice include the name or signature of the issuing CIS officer. 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 the applications.

In addition, the applicant's claim that he applied for CSS/LULAC class membership in 1991 would appear disingenuous. He had already applied for temporary residence as a special agricultural worker, whereas the CSS/LULAC litigation related to aliens who had been denied the opportunity to apply for temporary residence.

Moreover, on the applicant's G-325A Biographic Information Form, he indicated that he had resided in his native Bangladesh from January 1955 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 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.