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

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



**PUBLIC COPY**

SEP 28 2005

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).

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 provides photocopies of documents previously submitted to the Service (now the Bureau) with his original LIFE Act application. The applicant also includes photocopies of supporting documentation that was submitted with his prior application for temporary residence as a special agricultural worker under section 210 of the Immigration and Nationality Act (INA).

An applicant for permanent resident status under section 1104 of the LIFE Act must establish that before October 1, 2000, he or she filed a written claim with the Attorney General 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).

The applicant has neither claimed nor documented that he applied for class membership. In fact, the applicant timely filed an application for temporary resident status as a special agricultural worker under section 210 of the INA on July 6, 1988, and the application was denied on June 25, 1991. This application is still pending before the Bureau as the AAO ordered that the matter be remanded for further consideration and action on March 26, 1996. 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. Given his failure to even claim, much less document, that he filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

It is noted that an applicant for permanent resident status under section 1104 of the LIFE Act must establish entry into the United States before 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). With his original LIFE Act application and on appeal, the applicant submitted a statement in

which he specifically acknowledges that he began residing in the United States in 1985. Accordingly, the applicant is ineligible for permanent residence on this basis as well.

As discussed above, the AAO remanded the special agricultural worker application for further consideration and action on March 26 1996. However, it appears that the applicant's file was mistakenly forwarded to the incorrect service center for further processing. Therefore, once processing of the denied application and dismissed appeal for permanent residence under section 1104 of the LIFE Act is complete, the entire file shall be forwarded to the Nebraska Service Center for further adjudication of the separate application for temporary resident status as a special agricultural worker under section 210, pursuant to the prior remand order issued by the AAO on March 26, 1996.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.