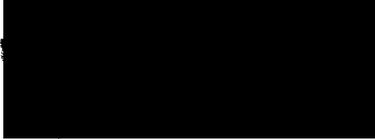


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and Immigration
Services

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invasion of personal privacy



LA

APR 15 2004

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. 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 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 takes issue with the director's denial of his application, and reaffirms his claim to eligibility for permanent resident status under the LIFE Act as one who has filed a claim for class membership in the LULAC class-action lawsuit.

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) (CSS), *League of United Latin American Citizens (LULAC) v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc. (CSS)*, 509 U.S. 43 (1993) (LULAC), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano (Zambrano)*, 509 U.S. 918 (1993) (*Zambrano*). 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 when the application was filed or in response to the director's notice of intent to deny. An examination of the record shows the applicant had filed a timely application for temporary resident status as a special agricultural worker (SAW) under section 210 of the INA on November 30, 1988, and the application was denied on August 9, 1990. In any case, an application for SAW status does not constitute an application for class membership in any of the legalization class-action lawsuits. Furthermore, 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, on appeal, asserts that he filed for class membership in LULAC. In support of his assertion, he submits a photocopied appointment notice reflecting that he was to be interviewed at the Patterson, New Jersey legalization office of INS (now, Citizenship and Immigration Services or CIS) at 10:00am on February 22, 1989. However, an examination of the appointment notice provided by the applicant discloses that the scheduled interview was in connection with the applicant's SAW application filed November 30, 1988. Furthermore, as the applicant's SAW application was still pending as of February 22, 1989, he would have had no need to apply for class membership in order to seek temporary residence.

The applicant has not provided any documents which establish that he filed a timely claim for class membership. Nor are there any records within CIS which demonstrate that the applicant applied for class

membership. 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.