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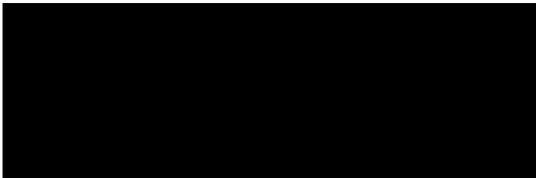
Office: NATIONAL BENEFITS CENTER

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, 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 Administration 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, through his attorney, states that he entered the U.S. on March 16, 1985, and that he has submitted photocopies of documentation dating from 1988.

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.

While the applicant claims that he filed for class membership, neither counsel nor the applicant has provided any evidence to corroborate this claim. The applicant, on appeal, makes reference to having submitted documentation dating from 1988. This documentation pertains to the applicant's having timely filed an application for temporary resident status as a special agricultural worker (SAW) under section 210 of the INA on May 4, 1988. That application was subsequently denied on February 9, 1990. The applicant's appeal to the denial of his application was dismissed by the AAO on December 28, 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 failed to submit any documentation addressing this requirement when the application was filed. In response to the notice of intent to deny, the applicant submitted a photocopy of a Legalization Front-Desking Questionnaire which is dated January 31, 2001. Such photocopied submission may be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. 245a.14(d). However, as noted above, pursuant to 8 C.F.R. § 245a.14, an applicant must establish that he or she had filed a written claim for class membership prior to October 1, 2000. As the photocopied questionnaire is dated *January 31, 2001*, it does not constitute a timely submission.

The applicant has not provided any documents which establish that he submitted a timely application for class membership prior to October 1, 2000. 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.