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**U.S. Citizenship
and Immigration
Services**

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FEB 20 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: Self-represented

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. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant had not established 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 asserts that he has been in the United States for eighteen years, that his family is here, and that he needs a work permit to continue "doing a good job in the U.S.A."

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 for class membership in one 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 v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) ("LULAC"), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993) ("Zambrano"). See section 1104(b) of the LIFE Act and 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 filed a timely application for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA) on March 7, 1988. The application was denied on April 12, 1988, subsequently reopened, and denied again by the Western Service Center on November 8, 1991. The applicant filed an appeal, which was dismissed by the Office of Administrative Appeals (the AAO's predecessor office) on May 21, 1999. An application for SAW status does not constitute an application for class membership in any of the legalization class-action lawsuits, as required under section 1104(b) of the LIFE Act. Furthermore, the LIFE Act contains no provision allowing for the reopening and reconsideration of an application for temporary resident status as a special agricultural worker under section 210 of the INA.

The applicant does not assert in his LIFE application, or anywhere else in the record, that he filed a written claim for class membership in any of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*. The applicant has submitted no documentation indicating that he filed such a claim for class membership, and the records at Citizenship and Immigration Services (CIS) do not reveal that any such claim was filed. The evidence of record, therefore, does not establish that the applicant filed a written claim for class membership prior to October 1, 2000 in any of the three legalization lawsuits, as required under section 1104(b) of the LIFE Act.

Furthermore, section 1104(c)(2)(B)(i) of the LIFE Act requires that an applicant have entered the United States before January 1, 1982 and resided in this country continuously in an unlawful status through May 4, 1988. In his LIFE Act appeal, dated December 14, 2002, the applicant stated that he has been in the United States for eighteen years. That means he did not begin to live in this country until 1984. By his own admission, therefore, it is clear that the applicant did not reside in this country unlawfully for the requisite time period of January 1, 1982 through May 4, 1988, to be eligible for legalization under the LIFE Act.

For the reasons discussed above, the applicant is ineligible for permanent resident status under the LIFE Act.

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