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U.S. Citizenship
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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, 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 submits a separate statement in which he indicates that he applied for legalization under the Immigration Reform and Control Act of 1986 (IRCA) and that his application was granted in October 1987.

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, on rebuttal, or on appeal. An examination of the record of proceedings discloses that the applicant filed a timely application for temporary resident status as a special agricultural worker (SAW) under section 210 of the INA on October 6, 1987. However, section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of a timely filed application for temporary resident status as a special agricultural worker under section 210 of the INA.

The applicant has provided no documentation, nor are there any records within Citizenship and Immigration Services (CIS) to establish, that he filed a timely application for class membership in any of the aforementioned legalization class-action lawsuits. Given that, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

The applicant, on appeal, indicates that he applied for legalization under the Immigration Reform and Control Act of 1986 (IRCA) and that his application was granted in October 1987. Evidence in the record indicates that the applicant was granted legal temporary residence status as a SAW on August 16, 1989. Accordingly, the applicant should contact his local CIS office regarding evidence of his lawful status.

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