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LD



U.S. Citizenship
and Immigration
Services

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

[REDACTED]

FILE: [REDACTED] Office: National Benefits Center Date: **JAN 13 2004**

IN RE: Applicant: [REDACTED]

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
for

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was initially denied by the Director, Missouri Service Center. It was reopened and denied again by the Director, National Benefits Center. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The directors 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 submitted a photocopy of "[a] letter of interview issued by the INS New York, NY, asking me to appear for interview on 12.13.1988." The applicant states that he was issued an "A" number and employment authorization, and was subsequently interviewed. He asserts that this chain of events establishes his "class membership."

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 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 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 interview notice cited by the applicant in his appeal relates to an earlier application he filed, on October 4, 1988, for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA). The application was denied on October 14, 1991. The applicant filed an appeal, which was dismissed by the AAO on July 20, 1994. An application for SAW status, however, 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 a timely filed and previously denied application for temporary resident status as a special agricultural worker under section 210 of the INA.

The applicant has not asserted, much less submitted any documentary evidence, that he applied for class membership in any of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*. The pertinent documentation submitted by the applicant all relates to his SAW application under section 210 of the INA. The applicant has not provided any of the materials listed in 8 C.F.R. § 245a.14 which could indicate that he applied for class membership in one of the legalization lawsuits, as required under section 1104(b) of the LIFE Act. Nor are there any records within CIS which show that the applicant applied for class membership in one of the requisite lawsuits.

Furthermore, section 1104(c)(2)(B)(i) of the LIFE Act requires the applicant to establish that he entered the United States before January 1, 1982, and resided in this country continuously in an unlawful status through May 4, 1988. The documentation of record indicates that the applicant entered the United States on August 9, 1985. The applicant offers no evidence of any earlier residence in this country. Accordingly, the record does not demonstrate that the applicant resided unlawfully in the United States for the requisite time period to be eligible for legalization under the LIFE Act.

Based on the evidence of record, therefore, it is concluded that the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

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