

**PUBLIC COPY**

U.S. Department of Homeland Security  
20 Mass, Rm. A3042, 425 I Street, N.W.  
Washington, DC 20529

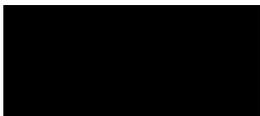
**Identifying data deleted to  
prevent clearly unwarranted  
invasion of personal privacy**



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



*LA*

FILE: 

Office: NATIONAL BENEFITS CENTER

Date: **JUL 12 2004**

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. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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, National Benefits Center, and is now before the Administrative Appeals Office 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 requests that his application be reconsidered as his children are United States citizens, and it would create extreme hardship to return to Mexico.

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. In the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership in a legalization class-action lawsuit before October 1, 2000. 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 indicated on his Life application that his spouse was applying for adjustment of status under the provisions of the LIFE Act. Citizenship and Immigration Services (CIS) records, however, do not reveal any evidence that the applicant's spouse had filed a timely written claim to class membership.

The record reflects that the applicant initially filed a timely application for temporary resident status under section 245A of the Immigration and Nationality Act (Act), on May 4, 1988 and the application was denied on June 5, 1992. Subsequently, the applicant filed a timely application for temporary resident status as a Special Agricultural Worker (SAW) under section 210 of the Act on November 30, 1988, and the application was denied on May 24, 1991. The applicant's appeal to the denial of his SAW application was dismissed by the AAO on September 6, 2002. 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 Act. Likewise, section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of the matter, as the original application for temporary resident status under section 245A of the Act had been filed by the applicant in a timely manner. The legalization class-action lawsuits mentioned above relate to aliens who claim they did not file applications in the 1987-1988 period because they were improperly dissuaded by Citizenship and Immigration Services (CIS).

The applicant has not provided any documents, which establish that he applied for class membership. Also, there are no 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.

Beyond the decision of the director, it must be noted that the applicant indicated on his Form I-485 LIFE Application that he last entered the United States in March 1986. Pursuant to 8 C.F.R. § 245a.11(b), each applicant must demonstrate that he or she entered the United States prior to January 1, 1982. The record including

the applicant's Form I-700 and Form I-687 applications, which have been consolidated into the current file, do not establish any evidence of an entry earlier than January 1985 into the United States. As the appeal will be dismissed on the grounds discussed above, this issue need not be examined further.

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