



U.S. Citizenship  
and Immigration  
Services

L-2



APR 27 2004

FILE:



Office: NATIONAL BENEFITS CENTER

Date:

IN RE:

Applicant:



PETITION: 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. 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

APR 27 2004

Administrative Appeals Office  
U.S. Citizenship and Immigration Services  
20 Massachusetts Avenue, N.W.  
Washington, D.C. 20529

**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 Administrative 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 asserts that the evidence he has submitted should establish his having filed a timely application for class membership in CSS.

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 applicant failed to submit any documentation addressing this requirement when the application was filed. In response to the director's Notice of Intent to Deny, the applicant submitted a personal statement in which he asserted that he had previously filed an application for temporary residence as a special agricultural worker (SAW) under section 210 of the INA. However, he has submitted no corroborative evidence, such as a completed, filed Form I-700 Application for Temporary Resident Status as a Special Agricultural Worker, to support such statement.

A review of the record shows that the applicant did previously file a timely application for temporary resident status under section 245A of the INA on March 3, 1988. That application was subsequently denied by the Director, Western Service Center, on July 13, 1993, and the appeal of that decision of denial was dismissed by the AAO on April 27, 1997. In any case, an application for legalization under section 245A of the INA 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 under section 245A.

Given his failure to establish that he filed a timely written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

In his decision, the director also makes reference to Citizenship and Immigration Services (CIS) records which indicate the applicant having committed the following offenses in the state of California:

- June 26, 1977: Conviction of drunk driving on a highway, a misdemeanor;
- March 19, 1980: Conviction for drunk driving on a highway, a misdemeanor;
- July 22, 1980: Conviction for drunk driving on a highway, a misdemeanor;
- September 11, 1987: Conviction for driving under the influence, a misdemeanor;

An applicant for permanent resident status under section 1104 of the LIFE Act must establish that he or she has not been convicted of a felony or of *three or more misdemeanors* committed in the United States. *See* section 1104(c)(2)(D)(ii) of the LIFE Act and 8 C.F.R. § 245a.11(d)(1). As the applicant has been convicted of *four* misdemeanors, he is also ineligible for adjustment to permanent resident status under section 1104(c)(2)(D)(ii) of the LIFE Act and 8 C.F.R. § 245a.11(d)(1).

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