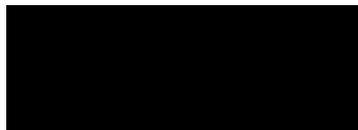


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U.S. Citizenship
and Immigration
Services



FILE:



Office: NATIONAL BENEFITS CENTER

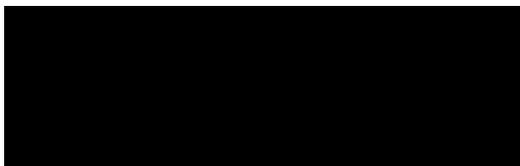
Date: **MAR 04 2004**

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:



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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann", with the word "for" written below it.

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, counsel for the applicant submits a separate statement in which he asserts his client has established eligibility for permanent resident status under the LIFE Act as one who has resided continuously in the United States from before January 1, 1982 through May 4, 1988. In addition, counsel interprets language included in the Notice of Decision as indicating that Citizenship and Immigration Services (CIS) has misplaced an Alien Registration File (or A-file) associated with the applicant which contains documentation that could serve to establish his having applied for 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 (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.

Along with his application, the applicant submitted what appears to be a self-generated affidavit in the form of a questionnaire, in which he attempted to address various issues related to membership in the various legalization class-action lawsuits. However, the questionnaire was compiled and signed on May 10, 2002, which is *subsequent* to the October 1, 2000 deadline for applying for class membership in one of the requisite legalization class-action lawsuits.

The applicant's file also includes material related to an Application for Temporary Resident Status as a Special Agricultural Worker (SAW), Form I-700, under section 210 of the Immigration and Nationality Act (INA). However, according to 8 C.F.R. § 210.2(c)(1), an application for SAW status must have been filed within the eighteen-month period beginning on June 1, 1987 and ending on November 30, 1988. As the I-700 application and accompanying evidence submitted by the applicant was not received by CIS until *March 31, 1993*, the application was not filed in a timely manner. In any case, even if the applicant's I-700 application were to have been timely filed, it does not constitute a claim for class membership. Moreover, 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.

On appeal, counsel interprets language included in the Notice of Decision as indicating that Citizenship and Immigration Services (CIS) has misplaced CIS file [REDACTED] associated with the applicant. Counsel further asserts that documentation contained in this file could serve to establish the applicant's having applied for class membership. This same file number [REDACTED] is also included in a March 7, 1990 CIS communication to the applicant relating to an alleged pending legalization application. However, a review of the record of proceedings indicates that two different files -- [REDACTED] [associated with a prior proceeding involving an asylum application by the applicant] and [REDACTED] [subsequently assigned to the applicant by CIS] -- were both consolidated into the applicant's current file, [REDACTED]. In addition, a search of CIS

computer and administrative records fails to indicate that the number A93 679 837 was ever associated with the present applicant.

Most importantly, according to 8 C.F.R. § 245a.11(b), an applicant for permanent resident status under section 1104 of the LIFE Act must establish entry into the United States before January 1, 1982 and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. Included in the applicant's file is a previously-completed Biographic Information Form G-325A, submitted in conjunction with a 1988 asylum application, in which the applicant specified that during the period from January 1983 to November 1988, he resided in Paute, Ecuador. Also, on another asylum application filed in 1994, the application indicated he left his country in 1988. Accordingly, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

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