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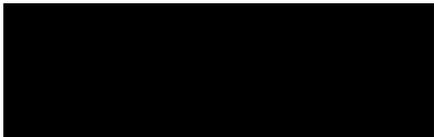
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U.S. Department of Homeland Security
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Washington, DC 20536



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



FILE:



Office: NATIONAL BENEFITS CENTER

Date **MAR 24 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.

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 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 states that at the time he filed an application Form I-687, he had been misinformed that, by filing such form, he would be applying for both temporary residence under section 245A of the Immigration and Nationality Act (INA) as well as for temporary resident status as a special agricultural worker (SAW) under section 210 of the INA.

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.

An examination of the record of proceedings discloses that the applicant timely filed a Form I-700 Application for Temporary Resident Status as a Special Agricultural Worker (SAW) under section 210 of the INA on August 9, 1988, and the application was denied on April 2, 1991. The applicant's appeal to the denial of his application was dismissed by the AAO on August 1, 2000. 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 INA.

On appeal, the applicant states that at the time he filed an application Form I-687, he had been misinformed that, by filing such form, he would be applying for both temporary residence under section 245A of the Immigration and Nationality Act (INA) as well as for temporary resident status as a special agricultural worker (SAW) under section 210 of the INA. As noted earlier, the applicant had previously filed a Form I-700 SAW application. However, there is no indication in the record or in CIS administrative or electronic records that the applicant had ever filed an I-687 application. Nor can the applicant's assertion, on appeal, that he was misinformed at the time he filed his application be confirmed or denied based on the record of proceedings.

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 filed a timely written claim for class membership. Given that, 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.