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U.S. Citizenship
and Immigration
Services

PUBLIC COPY

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FILE:

Office: NATIONAL BENEFITS CENTER

Date:

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 makes reference to a prior application for temporary residence under section 210 of the Immigration and Nationality Act (INA) having been denied. The applicant asserts he also attempted to apply for class membership in CSS, but was never informed of the proper procedure for doing so.

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 April 26, 1988, and the application was denied on January 10, 1992. The applicant's appeal to the denial of his application was dismissed by the AAO on April 27, 2001. In any case, 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 asserts he also attempted to apply for class membership in CSS, but the Immigration and Naturalization Service or INS (now, Citizenship and Immigration Services or CIS) improperly neglected to inform him that he needed to file a written claim with the Attorney General before October 1, 2000. The applicant's assertion, on appeal, that he was misinformed by INS at the time he attempted to file an application for class membership cannot be confirmed or denied based on the record of proceedings. It should also be noted that, at the initiation of the LIFE Act, offices of INS throughout the country, along with numerous private voluntary organizations, undertook extensive efforts to disseminate information and provide widespread publicity informing aliens as to the specific procedures and requirements of the program, including the necessity of filing a written claim for class membership prior to the deadline of October 1, 2000.

If the applicant required assistance in pursuing his application, such assistance was widely available not only through written inquiries to the INS, but also from private legal and nonprofit organizations as well. In the present case, the applicant is applying for a benefit, specifically, permanent resident status under section 1104 of the LIFE Act. As such, the burden of, and responsibility for, establishing eligibility for the benefit sought remains entirely with the applicant. Section 291 of the Act, 8 U.S.C. § 1361.

The applicant has not provided any documents which establish that he applied for class membership; nor are there any 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.