



U.S. Citizenship
and Immigration
Services



L2

FILE: [Redacted] Office: NATIONAL BENEFITS CENTER

Date: MAY 19 2004

IN RE: Applicants [Redacted]

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:

Identifying data deleted to
prevent clearly unwarranted
disclosure of personal privacy

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.

Robert P. Wiemann, Director
Administrative Appeals Office

PHOTOCOPY

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 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 because "I have been in the United States since 1986."

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 record reflects 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 Act on August 31, 1988, and the application was denied on June 5, 1990. The applicant's appeal to the denial of his application was dismissed by the AAO on February 13, 1995. A Form I-700 application along with its supporting documentation 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.

In response to the Notice of Intent to Deny issued on November 27, 2002, the applicant submitted documentation pertaining to his Form I-700 Application, along with additional evidence to establish his residency and identity. As previously mentioned in the director's decision, none the documentation establishes that the applicant filed a timely written claim to class membership prior to October 1, 2000.

The applicant has not provided any documents throughout the application process which establish that he applied for class membership. Given his failure to even claim, much less document, that he filed a timely written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

Beyond the decision of the director, it is noted that the applicant indicated on appeal that he has been in the United States since 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. Throughout the application process and coupled with the applicant's Form I-700 Application, the applicant has not presented any evidence of an entry earlier than 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.