



U.S. Citizenship
and Immigration
Services

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[REDACTED]

FILE:

MSC 02 036 62052

Office: NATIONAL BENEFITS CENTER

Date: JUL 13 2006

IN RE:

Applicant: [REDACTED]

APPLICATION:

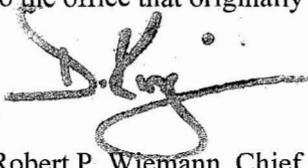
Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000)

ON BEHALF OF APPLICANT:

SELF-REPRESENTED

INSTRUCTIONS:

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, Chief
Administrative Appeals Office

DISCUSSION: The Director, National Benefits Center, denied the application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act. Following a subsequent appeal of that denial, the Administrative Appeals Office (AAO) remanded the application for issuance of a new decision. The director again denied the application and certified his decision to the AAO. The director's decision will be affirmed.

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.

The applicant submits no further documentation on certification.¹

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 asserts that he filed a claim for membership in one of the stated class action lawsuit on several occasions from November 14, 1988 to May 9, 1998. After a thorough and exhaustive review of all evidence submitted by the applicant, consisting of, according to the director, some 544 documents, the director was unable to confirm that the applicant had filed a timely claim of membership in either of the class action lawsuits.

Documentary evidence submitted by the applicant and Citizenship and Immigration Service (CIS) records indicate that the applicant made several attempts for classification as a Special Agricultural Worker (SAW), and most of the documents submitted and dates indicated by the applicant pertain to his claims for SAW benefits. The records reflect that the applicant filed a Form I-700, Application for Temporary Residence Status as a Special Agricultural Worker under Section 210 of the Immigration and Naturalization Act, on May 12, 1988 and another on May 25, 1989. However, the director stated that a thorough search of CIS records failed to reveal that the applicant filed a written claim for membership in one of the specified legalization class-action lawsuits.

The director noted that the applicant's wife had filed a claim for adjustment of status under the LIFE Act, and that the application had been denied. The director further noted that, as the applicant had married his wife in 2001, after the qualifying period, he would not have been not eligible for a derivative status based on her claim of eligibility.

¹ We note that counsel represented the applicant during the previous stages of this application. However, subsequent to the applicant's appeal, counsel was disbarred by the Kansas Supreme Court and his name stricken from the roll of licensed attorneys in the state.

Given his failure to 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.

ORDER: The director's November 29, 2004 decision is affirmed. The application is denied. This decision constitutes a final notice of ineligibility.