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U.S. Department of Homeland Security

Bureau of Citizenship and Immigration Services

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536

[redacted]

File: [redacted] Office: MISSOURI SERVICE CENTER Date: AUG - 5 2003

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

PUBLIC COPY

INSTRUCTIONS: Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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 arson having occurred at a farm where he claimed to have been employed. The applicant also submits a photocopy of a receipt/interview notice regarding his application for legalization.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993).

The applicant failed to submit any documentation addressing this requirement at the time the application Form I-485 was filed. In response to the Notice of Intent to Deny, the applicant asserted that he was a class member in one of the requisite legalization class-action lawsuits, without indicating in which lawsuit he had filed a written claim. However, none of the documentation provided by the applicant is indicative of his having filed a timely written claim for class membership.

Along with his application, the applicant provided documentation relating to an application he had previously filed on October 4, 1988 for temporary resident status as a special agricultural worker under section 210 of the INA. According to documentation in the record of proceedings, this application was denied on October 15, 1990. In addition, the record reflects that the applicant appealed the denial of his application, and that this appeal was dismissed by the Legalization Appeals Unit (now, the AAO) on March 18, 1993. However, the applicant's having filed an application under section 210 of the INA does not constitute an application for class membership under CSS. It should also be noted that 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.

In his Notice of Decision, the director stated that the applicant was statutorily ineligible to adjust status under provisions of the

LIFE Act because he had originally applied as a special agricultural worker under section 210 of the INA. According to 8 C.F.R. § 245a.10, however, an alien is eligible for consideration under the LIFE Act if he or she filed a written claim for class membership in one of the legalization class-action lawsuits cited in the previous paragraph, regardless of whether the alien had previously applied for temporary resident status under either sections 245A or 210 of the INA.

The applicant also provided copies of documents pertaining to an attempt to have acquired lawful status through the Diversity Immigrant Visa Program. This attempt, however, does not demonstrate that he applied for class membership in one of the above-mentioned lawsuits.

Given the applicant's failure to submit documentation indicating his having filed a timely written claim for class membership, he is ineligible for permanent residence under section 1104 of the LIFE Act.

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