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Bureau of Citizenship and Immigration Services

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



FILE: [Redacted] Office: MISSOURI SERVICE CENTER

Date: AUG - 5 2003

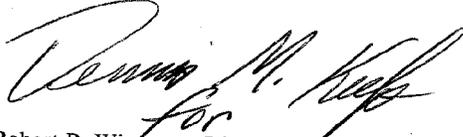
IN RE: Applicant: [Redacted]

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.

  
for  
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 indicated that he had filed an application for temporary residence as a special agricultural worker under Section 210 of the Act. The applicant also stated that in 1993, he attempted without success to file for class membership in the CSS class-action lawsuit. In addition, the applicant asserted he was unaware that he needed to have filed a written claim for class membership prior to October 1, 2000.

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).

Bureau regulations provide an illustrative list of documents that an applicant may submit to establish that he or she filed a written claim for membership before October 1, 2000. 8 C.F.R. § 245a.14. The regulations also permit the submission of "[a]ny other relevant document(s)." 8 C.F.R. § 245a.14(g).

With his initial application for permanent residence under the LIFE Act and, subsequently, on appeal, the applicant included an interview notice relating to the prior adjudication of a separate application he had submitted for temporary resident status as a special agricultural worker. It appears the applicant, on appeal, may be confusing this special agricultural worker application with the requirement of filing a written claim for class membership in the one of the aforementioned legalization class-action lawsuits.

The applicant timely filed his application for temporary resident status as a special agricultural worker under section 210 of the INA on February 9, 1989, and this application was subsequently denied on November 29, 1990. The applicant appealed the denial of his application, and this appeal was dismissed by the AAO on April 29, 1999. 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.

The applicant, on appeal, also stated that in 1993, he attempted without success to file for class membership in the CSS class-action lawsuit. In the same appeal statement, the applicant acknowledges being unaware of the requirement of having to file a written claim for class membership in one of the aforementioned legalization class-action lawsuits prior to October 1, 2000. In any case, the applicant has submitted no evidence indicative of having filed such a timely written claim.

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 appeal is dismissed. This decision constitutes a final notice of ineligibility.