

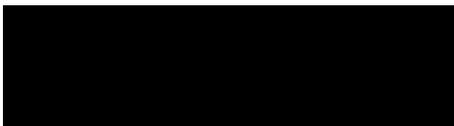
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U.S. Department of Homeland Security  
Citizenship and Immigration Services

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



FILE

Office: National Benefits Center

Date: **DEC 09 2008**

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: Self-represented

INSTRUCTIONS:

Attached is the decision rendered on your appeal. The file has been returned to the National Benefits Center. If your appeal was sustained, or if your case 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 indicates that he had filed an application for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA). The applicant declares that he visited the Service (now Citizenship and Immigration Services, or CIS) office in Calexico, California, on numerous occasions regarding his SAW application, but did not receive any assistance because he does not speak English. The applicant submits documentation relating to his prior SAW application.

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 timely filed an application for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA) on October 22, 1987, and the application was ultimately denied on February 14, 1992. The applicant's appeal to the denial of his application was subsequently dismissed by the AAO on August 29, 1996. While the applicant claimed that he visited the CIS office in Calexico, California regarding his SAW application, but did not receive any assistance because he does not speak English, such a claim can neither be confirmed nor denied from the record. 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.

The applicant neither claimed nor documented that he filed a written claim for class membership. Also, there are no records within CIS which demonstrate that the applicant applied for class membership. Given that, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

Moreover, on the applicant's Form I-485, Application to Register Permanent Residence or Adjust Status, he specifically acknowledged that he began residing in the United States in 1985. Pursuant to 8 C.F.R. § 245a.11(b), each applicant for permanent resident status under the LIFE Act is required to demonstrate that he or she entered and commenced residing in the United States *prior to January 1, 1982*. Given the applicant's inability to meet this requirement, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act on this basis as well.

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