

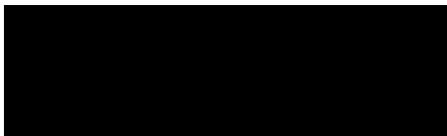
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U.S. Department of Homeland Security
Citizenship and Immigration Services

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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 18 2003

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 the matter 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. It is now before the Administration Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director concluded the applicant had not established that she 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 the INS (now Citizenship and Immigration Services, or CIS) to reconsider its decision and give her "the opportunity to reside legally in the United States under the LIFE Act program." The applicant refers to the unsettled and dangerous political situation in her native land, Haiti, but submits no legal rationale or additional documentation in support of her appeal.

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 includes an *original* Legalization Front-Deskling Questionnaire, dated December 28, 2000, which the applicant submitted to the Citizenship and Immigration Services (CIS) Vermont Service Center on January 5, 2001. Pursuant to the above regulation, however, an alien would have to demonstrate that he or she had filed a written claim for class membership prior to October 1, 2000. Accordingly, the applicant's front-desking questionnaire does not constitute evidence of a timely claim for class membership under the LIFE Act.

Nor did the applicant furnish any other documentation with her application, in response to the director's notice of intention to deny, or on appeal, of a written claim for class membership in *CSS*, *LULAC*, or *Zambrano* before October 1, 2000.

The applicant did file a timely application for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA) on November 30, 1988. That application was denied on October 15, 1990, by the Eastern

Regional Processing Facility in Williston, Vermont. 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.

In his decision on the instant application the director stated that the applicant was statutorily ineligible to adjust status under provisions of the LIFE Act because she 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, *CSS*, *LULAC*, or *Zambrano*, before October 1, 2000, regardless of whether the alien had previously applied for temporary resident status under either section 210 or 245a of the INA.

As previously discussed, the applicant has failed to establish that she filed a timely written claim for class membership in *CSS*, *LULAC*, or *Zambrano*. Accordingly, 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.