

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

La

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

Identifying
prev



NOV 14 2003

File: [Redacted]

Office: National Benefits Center

Date:

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).

PUBLIC COPY

ON BEHALF OF APPLICANT: SELF-REPRESENTED

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
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 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 states that she has continuously resided in the United States since August 1, 1985. The applicant indicates that she applying for benefits under the provisions of the LIFE Act on the basis of her period of residence in this country, rather than her being a class member in any of the legalization class-action lawsuits.

An applicant for permanent resident status under section 1104 of the LIFE Act must establish that before October 1, 2000, he or she filed a written claim with the Attorney General 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). See 8 C.F.R. § 245a.10.

The applicant neither claimed nor documented that she applied for class membership. In fact the applicant specified that she was applying for benefits under the provisions of the LIFE Act on the basis of her period of residence in this country, rather than her being a class member in any of the legalization class-action lawsuits. Given her failure to even claim, much less document, that she filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

The director also stated that a review of all relevant records failed to disclose any indication of the applicant having made a written claim for class membership. The applicant timely filed an application for temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act (INA) on October 14, 1987, and this application was subsequently denied on September 26, 1991. The applicant appealed the denial of her application and this appeal was dismissed by the AAO on July 22, 1997. 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. Given

her failure to establish that she filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

It is further noted that an applicant for permanent resident status under section 1104 of the LIFE Act must establish entry into the United States before January 1, 1982 and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. 8 C.F.R. § 245a.11(b). Both on her LIFE Act application and on appeal, the applicant specifically acknowledges that she first entered and began residing in the United States in August 1, 1985. Accordingly, 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.

[REDACTED]

J.C.K.