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[Redacted]

FILE:

[Redacted]

Office: National Benefits Center

Date: APR 15 2004

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:

[Redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. 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 on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant had not established 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, counsel asserted that the applicant "applied for the class membership within the time frame." Counsel indicated on the appeal form, which was filed on May 20, 2003, that 60 days were needed to submit a brief and/or evidence in support of the appeal. Up to the date of this decision, however, no such brief or evidence has been submitted.

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 for class membership in one 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 section 1104(b) of the LIFE Act and 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 filed an earlier application on July 8, 1988 for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA). The application was denied on July 2, 1990 by the Regional Processing Center in Williston, Vermont. The applicant filed an appeal, which was dismissed by the Legalization Appeals Unit, the AAO's predecessor office, on November 14, 1991. An application for SAW status does not constitute an application for class membership in any of the legalization class-action lawsuits, as required under section 1104(b) of the LIFE Act. Furthermore, the LIFE Act contains no provision allowing for the reopening and reconsideration of a previously denied application for temporary resident status as a special agricultural worker under section 210 of the INA.

The applicant has not asserted or submitted any documentary evidence in this proceeding that he applied for class membership in one of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*. Though counsel refers to "CSS Adjustment" in the Form G-28 (Notice of Entry of Appearance as Attorney or Representative) she filed with the applicant's Form I-485 (LIFE application) in February 2002, she has not explained how or when the applicant filed a claim for class membership in that lawsuit. Counsel has not provided any of the materials listed in 8 C.F.R. § 245a.14 which could indicate that the applicant filed a claim for class membership in one of the legalization lawsuits before October 1, 2000, as required under section 1104(b) of the LIFE Act. Nor does Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service (INS), have any record that the applicant filed such a claim for class membership. Since the applicant had a pre-existing A-file from his SAW application in 1988, any subsequent claim for class membership in *CSS* or one of the other legalization lawsuits would almost certainly have been incorporated in the applicant's file.

Thus, the evidence of record fails to establish that the applicant filed a claim for class membership in one of the legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, before October 1, 2000, as required for him to be eligible for legalization under section 1104(b) of the LIFE Act.



Accordingly, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

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