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U.S. Department of Homeland Security  
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Washington, DC 20536



U.S. Citizenship  
and Immigration  
Services

[Redacted]

FILE:

[Redacted]

Office: National Benefits Center

Date: APR 21 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:

Self-represented

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.

*for*  
*Robert P. Wiemann*

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, the applicant asserts that he "did file claim for class membership," but that he had "lost [his] papers on regards (*sic*) written claim you have ask[ed] for."

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. In the alternative, an applicant may establish that his or her spouse or parent filed a written claim for class membership in a legalization class-action lawsuit before October 1, 2000. In such case the family relationship must have existed at the time the spouse or parent initially attempted to apply for legalization during the original filing period (May 5, 1987 to May 4, 1988) set in section 245A of the Immigration and Nationality Act. 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 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 30, 1987. The application was denied by the Western Service Center on April 26, 1991. The applicant filed an appeal on December 17, 1991, which was dismissed by the Office of Administrative Appeals (the AAO's predecessor office) as untimely filed on October 31, 1995. The applicant's wife, [REDACTED], also filed a SAW application on October 30, 1987, which was denied by the Western Service Center on July 12, 1991. An appeal was filed on December 17, 1991, but likewise dismissed by the Office of Administrative Appeals as untimely filed on October 31, 1995. An application for SAW status does not constitute an application for class membership in any of the legalization class-action lawsuits, as required for legalization under section 1104(b) of the LIFE Act. Furthermore, the LIFE Act contains no provision allowing for the reopening and reconsideration of an application for temporary resident status as a special agricultural worker under section 210 of the INA.

The applicant does not assert in his LIFE application, or anywhere else in the record, that he or his wife filed a written claim for class membership in any of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*. Nor has any documentation been submitted by the applicant indicating that he or his wife filed such a claim for class membership. The records at Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service, do not reveal that any claim for class membership was filed by the applicant. Since he had a pre-exiting A-file dating from his SAW application in 1987, any subsequent claim by the applicant for class membership in one of the legalization lawsuits would almost certainly have been routed to his file.

Thus, the applicant has failed to establish that he, or his wife, filed a written claim for class membership before October 1, 2000 in any of the three legalization lawsuits, as required 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.