



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: [Redacted] Office: NATIONAL BENEFITS CENTER

Date: APR 27 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]

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**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

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.

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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, counsel for the applicant submits a separate statement in which he asserts that the evidence submitted should serve to establish a prime facie case for the applicant's eligibility for permanent resident status under the LIFE Act as one who has filed a timely application for class membership.

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 (LULAC) v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc. (CSS)*, 509 U.S. 43 (1993) (LULAC), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano (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 failed to submit any documentation addressing this requirement when the application was filed. In response to the notice of intent to deny, the applicant submitted a letter in which she asserts her eligibility under the LIFE Act as one who has filed an application for class membership in the CSS class-action legalization lawsuit. In addition, the applicant submitted a photocopy of a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was signed by the applicant on October 28, 2002. The photocopied Form I-687 application bears a "live" signature of the applicant *in ink*, rendering it an *original* document, as opposed to being a copy of one that was submitted previously. In any case, the document was signed and submitted *subsequent* to the October 1, 2000 deadline for filing a written claim for class membership.

While counsel, on appeal, claims the applicant filed for class membership, neither he nor the applicant has provided any independent evidence to corroborate this claim. Although not mentioned in the director's decision, the applicant had previously filed a timely application for temporary resident status as a special agricultural worker (SAW) under section 210 of the INA. The application was later denied by the Director, Western Service Center, on February 24, 1992. The applicant's appeal of the denial of her application was dismissed by the AAO on December 2, 1996. In any case, 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.

Neither the applicant nor counsel has provided any documents which establish that the applicant applied for class membership. Also, there are no records within CIS which demonstrate that she filed a timely claim for class membership. Given that, 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.