



U.S. Citizenship  
and Immigration  
Services

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[Redacted]

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

FEB 10 2008

FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

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).

**PUBLIC COPY**

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 your case 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, 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 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 states that he is "a 245A category."

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 applicant has neither claimed nor documented that he applied for class membership. While the applicant indicates that he had previously submitted a legalization application under section 245A of the Immigration and Nationality Act (INA), he had in fact timely filed an application for temporary resident status as a special agricultural worker under section 210 of the INA on August 27, 1987. This special agricultural worker application was subsequently denied by the Service (now Citizenship and Immigration Services, or CIS) on January 9, 1989. The applicant appealed the denial of his application and the matter was subsequently remanded by the AAO on November 25, 1991. The application for temporary residence as a special agricultural worker is still pending before CIS as of the date of this separate decision. 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 his failure to even claim, much less document, that he filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

As discussed above, the AAO remanded the special agricultural worker application for further consideration and action on November 25, 1991. The applicant's appeal in that matter is still pending before CIS as of the date of this separate decision. Therefore, once processing of the denied application and dismissed appeal for permanent residence under section 1104 of the LIFE Act is complete, the entire file shall be forwarded to the California Service Center for further adjudication of the separate application for temporary resident status as a special agricultural worker under section 210, pursuant to the prior remand order issued by the AAO on November 25, 1991.

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