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U.S. Citizenship
and Immigration
Services

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FEB 20 2004

FILE:

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).

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.

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 "file[d] under Agriculture on 1990 (*sic*)" and then makes an oblique reference to "Zambrano." The applicant indicated on the appeal form that he would be submitting a brief and/or evidence to this office within 30 days. Up to the date of this decision, however, no such brief or evidence has been received.

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 application on February 2, 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 January 31, 1990. The applicant filed an appeal, which was dismissed by the Legalization Appeals Unit (the AAO's predecessor entity) on September 10, 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 timely filed and previously denied application for temporary resident status as a special agricultural worker under section 210 of the INA.

In his LIFE application the applicant referred twice to CSS, but did not specifically assert that he filed a written claim for class membership in that lawsuit. No documentation was submitted indicating that a claim for class membership in CSS had been filed, and there is no record in Citizenship and Immigration Services (successor to the Immigration and Naturalization Service) that the applicant filed a claim for class membership in CSS or either of the other two legalization lawsuits, LULAC or Zambrano. On appeal, the applicant makes no reference to CSS, but does refer to Zambrano. Once again, however, he does not assert that he filed a written claim for class membership in that lawsuit and no new documentation has been submitted showing that a claim was filed with respect to any of the three legalization lawsuits.

Thus, the record fails to establish that the applicant filed a written claim for class membership prior to October 1, 2000 in any of the legalization lawsuits, CSS, LULAC, or Zambrano, as required for eligibility 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.