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



U.S. Citizenship
and Immigration
Services

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LA

FEB 24 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 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
for

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, the applicant indicates that she believes she is eligible for permanent residence under the LIFE Act because she previously registered with Catholic Charities for assistance in the filing and adjudication of a separate application for temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act (INA).

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 not documented that she applied for class membership. In fact, the applicant timely filed an application for temporary resident status as a special agricultural worker (SAW) under section 210 of the INA on July 16, 1987, and the application was subsequently denied on June 16, 1988. 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. Given her failure to document that she filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

It must be noted, however, that the applicant subsequently appealed the denial of her application for temporary resident status as a SAW under section 210 of the INA on July 19, 1988. The matter was reopened by the Service (now Citizenship and Immigration Services, or CIS) for further adjudication on September 19, 1988, but no final decision regarding the SAW application has been issued through this date. The applicant again apparently filed three subsequent appeals from 1991 through 1994. In addition, the applicant retained Catholic Charities of Amityville, New York, as her representative, to assist her in obtaining a final disposition of the SAW application during this period. The matter was subsequently forwarded to the AAO, which then remanded the case for further consideration and action on November 9, 2000. 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 appropriate service center for further adjudication of the SAW application, pursuant to the prior remand order issued by the AAO.

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