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U.S. Citizenship  
and Immigration  
Services

La



FILE:



Office: National Benefits Center

Date: JUL 23 2004

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, National Benefits Center. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the record did not establish that the applicant or his wife, who applied with him, filed a timely claim for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000.

On appeal, the applicant asserts that he applied “during the Late Amnesty” as well as under the “Late LIFE Legalization” for himself, his wife, and two sons.

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.

On September 7, 1988 the applicant filed an application (Form I-700) for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA). The application was denied by the Western Service Center on October 15, 1991. The applicant filed an appeal, which was dismissed by the Legalization Appeals Unit (now incorporated in the AAO) on January 30, 1996. 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 previously denied application for temporary resident status as a special agricultural worker under section 210 of the INA.

In his LIFE application (Form I-485) the applicant asserted that he applied for “CSS late amnesty.” The record contains no evidence, however, that the applicant ever filed a claim for class membership in the CSS lawsuit. Since the applicant had a pre-existing A-file based on his earlier SAW application, a written claim for class membership in CSS would almost certainly have been incorporated in the file. But there was no such class membership claim, or even a reference to CSS, in the applicant’s file until the instant LIFE application was received on February 21, 2003. That was long after the statutory deadline of October 1, 2000 to file a claim for class membership in CSS, or either of the other legalization lawsuits.

Thus, the record fails to establish that the applicant filed a written claim for class membership in CSS, or one of the other two legalization lawsuits, *LULAC* or *Zambrano*, before October 1, 2000, 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.