



U.S. Citizenship  
and Immigration  
Services

*[Handwritten signature]*

[Redacted]

FILE:

[Redacted]

Office: National Benefits Center

Date:

11/10/2011

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]

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.

*[Handwritten signature]*

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 “filed a claim under *C.S.S. v. Reno*” and has “eligibility under [section] 245A of IRCA.”

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 (Form I-700) for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA) on June 14, 1988. The application was denied by the Northern Service Center on March 23, 1993. The applicant filed an appeal, which was dismissed by the Legalization Appeals Unit (now incorporated into the AAO) on May 16, 1995. 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 identified CSS as the basis of his eligibility for “LIFE legalization.” The record contains no evidence, however, that the applicant ever filed a claim for class membership in that 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 April 15, 2002. That was a year and a half after the statutory deadline of October 1, 2000 to file a claim for class membership in CSS, or either of the other legalization lawsuits.

As for the applicant’s assertion of “eligibility under 245A of IRCA,” that is the section of the INA that was added by the Immigration Reform and Control Act of 1986 (“IRCA”), allowing certain individuals residing unlawfully in the United States to apply for legalization. The first step in that process was to apply for temporary resident status (on Form I-687) during a one-year filing period from May 5, 1987 to May 4, 1988. There is no record that the applicant filed a Form I-687 under section 245A of the INA (IRCA). Even if he had, that action would have been the first step in the process of seeking permanent resident status under the statutory provisions of IRCA. It would not have constituted a claim filed with the Attorney General (*i.e.*, with the former Immigration and Naturalization Service, now Citizenship and Immigration Services) for class membership in one of the subsequent legalization class-action lawsuits, *CSS*, *LULAC*, or *Zambrano*.

Thus, the record fails to establish that the applicant filed a written claim for class membership in *CSS*, or either 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.