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FILE:

Office: National Benefits Center

Date:

JUN 2 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, Missouri Service Center. It was reopened and denied again by the Director, National Benefits Center. The matter is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The directors concluded that the applicant had not established he had applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant asserts that he is a "a 245A member," without further explanation. No additional materials have been submitted in support of the appeal.

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 does not even assert, much less submit any supporting documentation, that he filed a written claim for class membership in any of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, prior to October 1, 2000, as required to be eligible for legalization under section 1104(b) of the LIFE Act. Nor are there any records in Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service (INS), which demonstrate that the applicant applied for class membership.

The applicant did file a timely application on September 27, 1988 for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA). Section 210 of the INA was enacted as part of the Immigration Reform and Control Act of 1986 ("IRCA"). The SAW application was denied by the Western Service Center on October 11, 1991. The applicant filed an appeal, which was dismissed by the Legalization Appeals Unit (now incorporated in the AAO) on March 10, 1999. 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 an application for temporary resident status as a special agricultural worker under section 210 of the INA.

In his appeal the applicant states simply that he is "a 245A member." Section 245A is another section of the INA that was enacted as part of IRCA in 1986, 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. 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 INS, now CIS) 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 one of the legalization lawsuits 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.