



U.S. Citizenship
and Immigration
Services

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FILE:



Office: National Benefits Center

Date:

07/13/04

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 office that originally decided your case. 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, 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 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 states that he was a “genuine” seasonal agricultural farm worker. The applicant requests that his claim for adjustment of status be considered on the basis of the documents that he submitted over time.

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 he applied for class membership. Nor are there any records within Citizenship and Immigration Services relating to a request for class membership. The applicant’s request that the evidence offered by him concerning the special agricultural program be considered is noted. An applicant does not establish eligibility for permanent residence under the LIFE Act by virtue of either having previously filed for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA), or having filed for temporary residence under section 245A of the INA, the amnesty provision. In this case the applicant has failed to cite any legal precedent that would allow him to qualify for benefits under the provisions of the LIFE Act, when he does not meet the threshold requirement of having filed a written claim for class membership in one of the legalization class-action lawsuits prior to October 1, 2000.

The applicant timely filed an application for temporary resident status as a SAW under section 210 of the INA on November 10, 1988, and this application was denied September 26, 1990. The applicant filed an appeal, which was dismissed by the Legalization Appeals Unit of the Office of Administrative Appeals, the AAO’s predecessor office, on March 15, 1993.

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 previously filed and denied application for temporary resident status as a special agricultural worker under section 210 of the INA. Given his failure to document that he filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

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