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U.S. Department of Homeland Security  
20 Mass, Rm. A3042, 425 I Street, N.W.  
Washington, DC 20536

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U.S. Citizenship  
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invasion of personal privacy**



FILE: [Redacted]

Office: National Benefits Center

Date:

MAR 01 2004

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: 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 is now on appeal before the Administrative Appeals Office (AAO). 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 submitted his Form I-485 (LIFE Act application) because he had submitted an earlier application in 1988 which the Immigration and Naturalization Service (INS) denied. The applicant asserts that he came to the United States as a farmworker during the 1980s.

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 his LIFE application (Form I-485) the applicant stated that he had "applied for the amnesty for the farms worker (*sic*), but for complications don't receive it." The applicant was evidently referring to the earlier application he filed, on September 23, 1988, 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 July 22, 1991. The applicant filed an appeal, which was dismissed by the Office of Administrative Appeals (the AAO's predecessor office) on November 4, 1997. 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.

The applicant has not asserted, much less submitted any documentary evidence, that he applied for class membership in any of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*. Nor are there any records within CIS which show that the applicant applied for class membership in one of the requisite lawsuits. The documentation submitted by the applicant all relates to his SAW application under section 210 of the INA. In fact, the applicant specifically acknowledged in a letter to this agency on September 23, 2002, that he never applied for class membership in *CSS*, *LULAC*, or *Zambrano*.

Thus, the record indicates that the applicant failed to file a written claim for class membership in one of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, before October 1, 2000, as required to be eligible for legalization 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.