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**U.S. Citizenship
and Immigration
Services**



FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date: **MAR 10 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.


for
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 Administration 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 asserts he is eligible for permanent resident status under the LIFE Act as one who has filed a claim for class membership under the CSS legalization class-action lawsuit.

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 (LULAC) v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.* (CSS), 509 U.S. 43 (1993) (LULAC), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano (Zambrano)*, 509 U.S. 918 (1993) (*Zambrano*). See 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 failed to submit any documentation addressing this requirement when the application was filed, in response to the notice of intent to deny, or on appeal. An examination of the record shows the applicant had filed a timely application for temporary resident status as a special agricultural worker (SAW) under section 210 of the INA on October 29, 1987, and the application was denied on July 10, 1991. The applicant's appeal to the denial of his application was dismissed by the AAO on March 29, 1999. In any case, 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 timely filed and previously denied application for temporary resident status as a special agricultural worker under section 210 of the INA.

The applicant, on appeal, asserts that, when he visited his local Citizenship and Immigration Services (CIS) legalization office to file a claim for class membership under CSS v. Reno, he was discouraged from doing so by an unidentified CIS officer, who accepted his application and documentation but then sent him away after informing him that the program under which he was applying did not exist. However, the applicant's account of what transpired on this occasion can be neither confirmed nor denied based on the record of proceedings. Nor has the applicant presented any evidence of having filed an application for class membership.

On appeal, the applicant also takes issue with CIS's having failed to assign him a new file number at the time he applied for class membership in CSS. However, as the applicant already *had* a prior file in his name in connection with having filed a timely application for temporary residence as a SAW, as previously noted, there would have been no administrative purpose served in providing him with an entirely new file number at the time he alleges he applied for CSS membership.

The applicant has not provided any documents which establish that he applied for class membership. Also, there are no records within CIS which demonstrate that the applicant applied for class membership. Given that, 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.