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U.S. Citizenship  
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Services

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*LA*

MAR 23 2004

FILE:



Office: National Benefits Center

Date:

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*  
for

Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was initially denied by the Director, National Benefits Center. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The directors 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 submitted a statement in which he acknowledged that he never filed a written claim for class membership in any of the legalization lawsuits. The applicant indicated that he did not know about the possibility of filing a class membership claim before October 1, 2000, but had he known would have made every effort "to file a claim with CCS (*sic*), LULAC, or Zambrano."

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 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 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 file an application in October 1987 for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA). The application was denied on February 22, 1990. The applicant filed an appeal, which was dismissed by the Legalization Appeals Unit (the AAO's predecessor office) on October 26, 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.

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* before October 1, 2000. Nor are there any records within Citizenship and Immigration Services (previously the Immigration and Naturalization Service) which show that the applicant applied for class membership in one of the requisite lawsuits.

Furthermore, section 1104(c)(2)(B)(i) of the LIFE Act requires the applicant to establish that he or she entered the United States before January 1, 1982, and resided in this country continuously in an unlawful status through May 4, 1988. The documentation of record, including the applicant's own statements, establishes that the applicant first entered the United States on October 1, 1987. Thus, the applicant did not enter the United States before January 1, 1982 and reside unlawfully in the United States for the requisite time period of January 1, 1982 through May 4, 1988, to be eligible for legalization under 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.