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U.S. Department of Homeland Security
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Washington, DC 20536



U.S. Citizenship
and Immigration
Services

[Redacted]

FILE:

[Redacted]

Office: National Benefits Center

Date: **MAR 24 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
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. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

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

The applicant filed an appeal on March 11, 2003, asserting that she needed an additional 30 days to gather information in support of her case. She subsequently filed some additional materials on May 8, 2003.

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 February 4, 1993, the applicant filed a Form I-700, Application for Temporary Resident Status as a Special Agricultural Worker (SAW) under section 210 of the Immigration and Nationality Act (INA), at the INS district office in Cleveland, Ohio. Since the filing deadline for SAW applications was November 30, 1988, the application was treated as a request for constructive filing. The INS scheduled two interviews for the applicant at the district office to discuss her application, but she failed to appear on either occasion. On November 8, 1993, therefore, the district director informed the applicant by letter that her application was "deemed abandoned and rejected." An application for SAW status, in any case, does not constitute an application for class membership in one 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 did not assert in her LIFE application, nor has she submitted any documentary evidence, that she filed prior to October 1, 2000 a claim for class membership in one of the legalization lawsuits, CSS, LULAC, or Zambrano, as required under section 1104(b) of the LIFE Act. Nor does Citizenship and Immigration Services (successor to the INS) have any record of receiving such a claim from the applicant prior to October 1, 2000. The applicant did submit a Form I-687 in response to the director's notice of intent to deny her application, which is one of the forms listed in 8 C.F.R. § 245a.14 that could be evidence of a claim for class membership. The form is dated October 22, 2002, however, which is more than two years after the statutory deadline for submitting class membership claims. As for the materials submitted by the applicant on appeal, none of them contains any evidence that the applicant filed a claim for class membership in one of the legalization lawsuits.

Thus, the applicant has failed to establish that she filed before October 1, 2000 a written claim for class membership in any of the legalization lawsuits, CSS, LULAC, or Zambrano, 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.