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U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
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, 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 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 that he "[i]nitially submitted my application in California and when I moved to NYC . . . I was told to re-submit my claim to gain class membership in LULAC and . . . my case for LULAC was filed."

Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been furnished by [REDACTED] of HEROES for a Better NY, Inc., who indicates she is representing the applicant pursuant to 8 C.F.R. § 292.1(a)3. That regulation allows for representation by a reputable individual who is appearing without direct or indirect remuneration and files a written declaration to that effect. As no such declaration has been filed, this decision will be sent to the applicant only.

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.

The applicant filed an application for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA) on May 4, 1988. The application was denied on February 18, 1992. 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.

While the applicant asserts that he filed a claim in New York City for class membership in *LULAC*, no documentary evidence has been provided to corroborate the claim. Since the applicant had a pre-existing A-file based on his earlier SAW application, a written claim for class membership in *LULAC* would almost certainly have been incorporated in that file. The fact that it was not raises the fundamental question of whether an attempt was actually made to file an application for class membership. The applicant has not provided any of the documents listed in 8 C.F.R. § 245a.14 which could demonstrate that he applied for class membership in *LULAC* prior to October 1, 2000, as required under section 1104(b) of the LIFE Act. Nor are there any records within Citizenship and Immigration Services (successor to the Immigration and Naturalization Service) showing that the applicant applied for class membership in *LULAC*.

Thus, the record fails to establish that the applicant filed a written claim for class membership in *LULAC*, or either of the other two legalization lawsuits, before October 1, 2000, 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.