



U.S. Citizenship  
and Immigration  
Services

Identifying class-related to  
prevent class...  
Investigation of...

L2



FILE: [Redacted]

Office: National Benefits Center

Date: MAY 15 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 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.

On appeal, the applicant asserts that she went to an INS office in Sacramento, California, where she “was told that I could apply [under] this new law since all agriculture denials fell under the Zambrano cases.” According to the applicant she then “file[d] the application and submitted all that was requested in the application.”

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 a timely application for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA) on November 30, 1988. The application was denied by the Western Service Center on September 23, 1991. The applicant filed an appeal, which was dismissed by the Legalization Appeals Unit (the AAO’s predecessor office) on August 13, 1996. 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 an 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 did she submit any documentary evidence, that she filed a written claim for class membership in any of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*. Not until the instant appeal was filed did the applicant assert, for the first time, that she filed a claim for class membership in *Zambrano*. The information she purports to have received from the INS in Sacramento, however, that “all agriculture denials fell under the *Zambrano* cases,” is incorrect. The *Zambrano* lawsuit has nothing to do with prior SAW applications and, as discussed above, a prior SAW application does not provide any basis for a legalization application under the LIFE Act. Since the applicant did have a pre-existing A-file based on her earlier SAW application, any subsequent claim for class membership in *Zambrano* would almost certainly have been incorporated in her file. No such claim for class membership was in the file, however, at the time the applicant filed her LIFE application in June 2002. Thus, the evidence of record does not establish that the applicant filed a written claim for class membership in *Zambrano*, or either of the other legalization lawsuits, *CSS* or *LULAC*, prior to October 1, 2000, as required under section 1104(b) of the LIFE Act.

Accordingly, the applicant is ineligible for permanent resident status under the LIFE Act.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.