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U.S. Citizenship
and Immigration
Services

MAY 11 2004

[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

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:

[Redacted]

INVESTIGATION
INVASION OF

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

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 Administrative 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, counsel asserts that the applicant applied under section 210 of the Immigration and Nationality Act (the Act), but also filed a claim under section 245A of the Act. Counsel claims that the director erred in his decision as the applicant did file a claim for class membership under *Catholic Social Services Inc. v. Reno*.

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 timely filed an application for temporary resident status as a Special Agricultural Worker (SAW) under section 210 of the Act on November 30, 1988, and the application was denied on November 21, 1989. The applicant's appeal to the denial of his SAW application was remanded for further action by the AAO on September 9, 1999. The record does not reflect that a final decision has been rendered on the applicant's SAW application. Nevertheless, an application for SAW status does not constitute an application for class membership in any of the legalization class-action lawsuits. 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. Furthermore, no evidence has been presented to establish that the applicant had either previously filed or attempted to file a Form I-687 Application for Temporary Resident Status under section 245A of the Act.

The applicant has not provided any documents throughout the application process, which establish that he applied for class membership. Also, there are no records within Citizenship and Immigration Services, 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.