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U.S. Citizenship
and Immigration
Services

PUBLIC COPY

[REDACTED]

HA

MAY 27 2004

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]

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

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 filed a timely application for class membership in the CSS lawsuit, *infra*.

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 (Form I-700) for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA) on October 17, 1988. The application was denied by the Western Service Center on March 31, 1992. The applicant filed an appeal, which was dismissed by the Legalization Appeals Unit (now incorporated in the AAO) on January 7, 1997. 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.

In his LIFE application (Form I-485) the applicant identified CSS as the basis of his eligibility for adjustment to permanent resident status. The record contains no evidence, however, that the applicant ever filed a claim for class membership in that lawsuit. Since the applicant had a pre-existing A-file based on his earlier SAW application, a written claim for class membership in CSS would almost certainly have been incorporated in the file. But there was no such class membership claim, or even a reference to CSS, in the applicant's file until the instant LIFE application (Form I-485) was received on June 10, 2002. That was long after the statutory deadline of October 1, 2000 to file a claim for class membership in CSS, or either of the other legalization lawsuits.

Thus, the record fails to establish that the applicant filed a written claim for class membership in CSS, or one of the other two legalization lawsuits, *LULAC* or *Zambrano*, 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.