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U.S. Citizenship
and Immigration
Services



FILE:



Office: National Benefits Center

Date: MAY 27 2004

IN RE:

Applicant:



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:



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 initially denied by the Director, Missouri Service Center. It was reopened and denied again by the Director, National Benefits Center. The matter is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The directors 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, counsel stated: "The evidence offered in the correction with the special agricultural program was to show residence during part of the applicable period. However, it also showed a claim was being made for residency under 245A. That was the intent of Mr. [REDACTED] at that time."

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 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 8 C.F.R. § 245a.10.

The applicant has not documented that he applied for class membership. Counsel's explanation that the evidence offered concerning the special agricultural program by the applicant was to show residence during part of the applicable period and that a claim was being made for residency under 245A is noted. An alien does not establish eligibility for permanent residence under the LIFE Act by virtue of either having previously filed for temporary resident status under section 210 of the INA, or claiming eligibility for temporary residence under section 245A of the INA. In this case counsel has failed to cite any legal precedent that would allow the applicant to qualify for benefits under the provisions of the LIFE Act, when he does not meet the threshold requirement of having filed a written claim for class membership in one of the legalization class-action lawsuits prior to October 1, 2000.

The applicant timely filed an application for temporary resident status as a special agricultural worker (SAW) under section 210 of the INA on August 9, 1988, and this application was denied April 2, 1991. An application for SAW status does not constitute an application for class membership in any of the legalization class-action lawsuits. Furthermore, section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of a previously filed and denied application for temporary resident status as a special agricultural worker under section 210 of the INA. Given his failure to document that he filed a written claim for class membership, 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.