



U.S. Citizenship  
and Immigration  
Services

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APR 04 2007

FILE:



Office: NATIONAL BENEFITS CENTER

Date:

MSC 03 254 60197

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:

Self-represented

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. Wienmann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits 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, the applicant asserts, in part:

I filed my forms a year or two ago with the law office of [REDACTED] and paid them a lot of money to file the form needed to obtain my work permit and residency status. Needless to say [REDACTED] office would not contact me to let me know the status of my case, and after waiting so long, I found out now they didn't file any of my applications to follow up on the denial letter that was sent to [REDACTED]. Therefore they denied the applications because they said my case was abandoned. It was not abandoned, [REDACTED] Law Firm<sup>1</sup> didn't file any of the forms needed to appeal the decision.

The applicant requested an extension of 60 days in order to submit a brief and/or additional evidence to the AAO. However, more than two years later, no further correspondence has been presented by the applicant.

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 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 record reflects that the applicant timely filed an application for temporary resident status as a Special Agricultural Worker (SAW) under section 210 of the Immigration and Nationality Act (the Act) on November 28, 1988, and the application was denied May 26, 1992. The applicant's appeal from the denial of his application was dismissed by the AAO on September 8, 2000. 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 timely filed and previously denied application for temporary resident status as a SAW under section 210 of the Act.

The legalization class-action lawsuits mentioned above relate to aliens who claim they did not file Form I-687 applications in the 1987-1988 period because they were improperly dissuaded by Citizenship and Immigration Services (CIS).

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<sup>1</sup> Although the record contains a Form G-28, Notice of Entry of Appearance as Attorney or Representative, authorizing [REDACTED], to act on behalf of the applicant, Mr. [REDACTED] is no longer authorized to represent the applicant pursuant to 8 C.F.R. § 292.1(a). See <http://www.usdoj.gov/eoir/profcond/chart.htm>. Therefore, the AAO may not recognize counsel in this proceeding.

The applicant has failed to submit any evidence to establish that he attempted to file a Form I-687 application or to establish that he filed a timely written claim for class membership. Also, there are no records within CIS, 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.

Finally, it is noted for the record that the applicant had previously filed a LIFE application on April 23, 2002. According to CIS records, the application was denied on October 23, 2002 due to abandonment. The regulation at 8 C.F.R. § 103.2(b)(15) provides that a denial due to abandonment may not be appealed, but an applicant may file a motion to reopen under 8 C.F.R. § 103.5. Although no motion to reopen was filed, counsel for the applicant submitted a request dated November 3, 2002 for an extension of 12 weeks in which to file a response.

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