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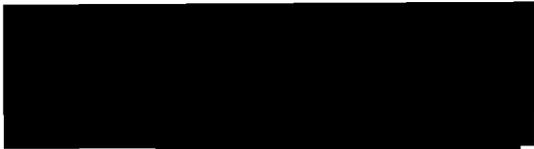
U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of Administrative Appeals MS 2090  
Washington, DC 20529-2090



U.S. Citizenship  
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FILE: [REDACTED]  
MSC 03 158 61281

Office: CHICAGO

Date: MAY 04 2010

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. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

  
Perry Rhew  
Chief, Administrative Appeals Office

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, Chicago, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to demonstrate that he filed a claim for written class membership in the *Catholic Social Services, Inc. (CSS)*, *League of United Latin American Citizens (LULUC)*, or *Zambrano* legalization class action lawsuits.

On appeal, the applicant submits copies of previously submitted documentation. The AAO has reviewed all of the evidence and has made a *de novo* decision based on the record and the AAO's assessment of the credibility, relevance and probative value of the evidence.<sup>1</sup>

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 Services 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.

At issue in this proceeding is whether the applicant has established that he filed a timely written claim for class membership. Here, the applicant has failed to meet this burden. The evidence in the record does not establish that the applicant applied for class membership in one of the previously mentioned legalization class action lawsuits. The applicant has failed to provide any Service documents which prove his claim for class membership was filed. In the absence of additional evidence, the applicant has failed to prove that he filed a timely written claim with the Attorney General for class membership.

As noted by the director in the Notice of Decision, the record contains a copy of the applicant's Employment Authorization Card (EAC) issued on August 15, 1989. The EAC was issued under Title 8, Code of Federal Regulations (CFR), Part 274.a12(c)(20), which grants employment authorization to an alien who has filed a legalization application pursuant to Section 210 of the Act.

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<sup>1</sup> The AAO maintains plenary power to review each appeal on a *de novo* basis. 5 U.S.C. § 557(b) ("On appeal from or review of the initial decision, the agency has all the powers which it would have in making the initial decision except as it may limit the issues on notice or by rule."); see also, *Janka v. U.S. Dept. of Transp., NTSB*, 925 F.2d 1147, 1149 (9<sup>th</sup> Cir. 1991). The AAO's *de novo* authority has been long recognized by the federal courts. See, e.g. *Dor v. INS*, 891 F.2d 997, 1002 n.9 (2d Cir. 1989).

The records reflect that the applicant originally applied under the Special Agricultural Workers Program (SAW), which is Section 210 of Title 8, Code of Federal Regulations. This application under Section 210 does not constitute an application for class membership in the *CSS*, *LULAC* or *Zambrano* lawsuits.

Based upon the foregoing, the applicant failed to demonstrate that he filed a claim for written class membership in the *Catholic Social Services, Inc. (CSS)*, *League of United Latin American Citizens (LULAC)*, or *Zambrano* legalization class action lawsuits. The applicant is, therefore, 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.