

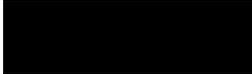
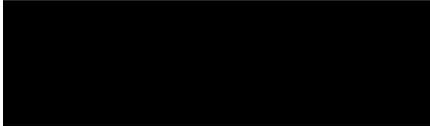
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prevent clearly unwarranted
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U.S. Department of Homeland Security
Citizenship and Immigration Services

WA

ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street N.W.
Washington, D.C. 20536



Office: National Benefits Center

Date: DEC 01 2003

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:

Attached is the decision rendered on your appeal. The file has been returned to the National Benefits Center. If your appeal was sustained, or if your case 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 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, the applicant indicates that it is his belief he is eligible for permanent resident status under the LIFE Act because he had previously filed a request for consideration as a Replenishment Agricultural Worker (RAW) with the Service (now Citizenship and Immigration Services, or CIS). The applicant submits photocopies of documentation relating to this request, as well as documentation relating to his period of residence in the United States and the fact that he does not have a criminal record in New York City.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). 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.

With his application for permanent residence under the LIFE Act, and on appeal, the applicant provides documentation relating to a previously filed request for consideration as a RAW. While aliens requesting consideration as replenishment agricultural workers were assigned registration numbers by CIS, these registration numbers are not A-file numbers. Moreover, the RAW program has never been associated with any of the legalization class-action lawsuits cited above, and the fact that an individual requested consideration as a replenishment agricultural worker cannot be equated with having filed a written claim for class membership in these legalization lawsuits.

In response to the notice of intent to deny, the applicant submitted an undated Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA). However, the Form I-687 legalization application is an original document that was prepared at or about the same time the applicant prepared his response to the notice on October 18, 2002, because it includes contemporaneous dates relating to both his place of residence and place of employment. As such, the Form I-687 legalization application cannot be considered as evidence that the applicant filed a written claim for class membership in one of the legalization class-action lawsuits prior to October 1, 2000.

The applicant has failed to claim or document that he filed for membership in any of the requisite legalization class-action lawsuits. 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.