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Citizenship and Immigration Services

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

File # [redacted] Office: National Benefits Center  
IN RE: Applicant: [redacted]

Date: NOV 19 2003

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

PUBLIC COPY

INSTRUCTIONS: Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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*  
for

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. The director also determined that the applicant was ineligible to adjust to permanent residence pursuant to 8 C.F.R. § 245a.18, because he was found inadmissible under one or more provisions of section 212(a) of the Immigration and Nationality Act (INA).

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).

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.

The applicant did not submit any relevant document. With his application for permanent residence under the LIFE Act, and in response to the notice of intent to deny, 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.

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.

It is noted that the director determined that the applicant was ineligible to adjust to permanent residence under the provisions of the LIFE Act because he was found inadmissible under one or more provisions of section 212(a) of the INA. However, such a finding is without merit as the director failed to cite a specific ground of inadmissibility as it applies to the applicant. Instead, the director merely cited an extensive list of various grounds of inadmissibility from 8 C.F.R. § 245a.3, as well as sections 212(a) and 245A of the INA, and concluded that the applicant was inadmissible "...under at least one of the provisions of section 212(a)..." of the INA. In order to be legally sufficient and correct, the director must cite the specific provision of law or regulation that applies to an applicant who is deemed either inadmissible or ineligible. For this reason, the director's finding that the applicant is ineligible to adjust to permanent residence under the LIFE Act because he is inadmissible cannot be considered valid.

Pursuant to 8 C.F.R. § 245a.11(b), each applicant for permanent resident status under the LIFE Act is required to demonstrate that he or she entered and commenced residing in the United States prior to January 1, 1982. The record contains a Form G-325A, Record of Biographic Information, which the applicant included with his LIFE Act application. On the Form G-325A, the applicant specifically acknowledged that he had lived in Haiti since his date of birth on February 21, 1961, to October 1989. Furthermore, on his LIFE Act application, the applicant indicated that he first arrived in the United States on October 7, 1989. By the applicant's own admission, he did not reside in the United States during the period from January 1, 1982 to October 7, 1989. Accordingly, 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.

COEXM:GRAFTERY:305-3199  
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J.C.R.