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Washington, DC 20529



U.S. Citizenship
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Services

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[Handwritten Signature]
JUL 20 2004

FILE:

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant:

PETITION: 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. 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.

[Handwritten Signature]

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. The matter was remanded by the Administrative Appeals Office (AAO) to the center director for procedural reasons, and is again before the 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 he has submitted evidence establishing his having continuously resided in the United States in an unlawful status since prior to January 1, 1982 through May 4, 1988.

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.

With his LIFE application, the applicant submitted a photocopy of page 1 of a Form I-130 Petition for Alien Relative, which was filed by the applicant's brother, a U.S. citizen, on his behalf. However, there is no indication in Citizenship and Immigration Service (CIS) records that such petition has been approved. In any case, the photocopied I-130 petition does not constitute evidence of the having filed a claim for class membership.

In response to the notice of intent to deny, the applicant submitted a photocopy of a communication from the London, Kentucky office of the Immigration and Naturalization Service or INS (now CIS) acknowledging the applicant having filed a Form I-807 Request for Consideration as a Replenishment Agricultural Worker (RAW). However, the RAW program is a proceeding which is separate and unrelated to the adjustment of status under section 1104 of the LIFE Act. Having filed a request for consideration under this program does not constitute filing of an application for class membership in any of the legalization class-action lawsuits.

As noted by the director, the applicant's I-485 LIFE application had incorrectly designated his Alien Registration Number (or A-number) as A90 869 480. A subsequent search of CIS administrative and computer records indicated that this A-number did *not* apply to the applicant but, rather, to his brother. This error on the applicant's LIFE application has since been corrected.

The applicant has not provided any additional documentation, nor are there any records within CIS, which demonstrate that he has filed a timely claim to class membership in any of the aforementioned legalization class-action lawsuits. Given this, 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.