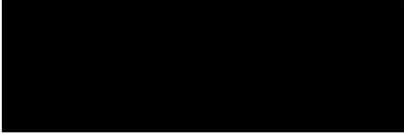


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U.S. Department of Homeland Security  
Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE  
CIS AAO, 20 MASS, 3/F  
425 I STREET, N.W.  
WASHINGTON, DC 20536



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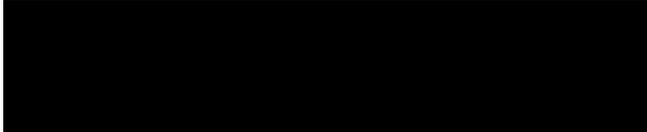
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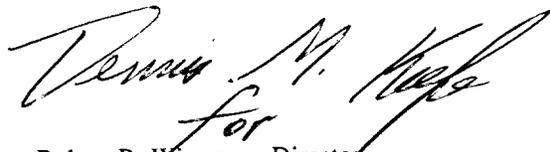
Date:

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).

IN BEHALF OF APPLICANT: 

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.

  
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 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, counsel requests that the director reconsider his decision and provides a statement.

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. The regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

The applicant failed to submit any documentation addressing this requirement when the application was filed. On rebuttal to the notice of intent to deny, counsel maintained that the applicant had submitted a claim for class membership prior to October 2000. According to counsel, the applicant attempted to file an application under section 245A of the Act during the 1987-1988 legalization period, but was discouraged from applying by a Citizenship and Immigration Services (CIS) officer. In support of this claim, counsel provided a Form I-687 Application for Status as a Temporary Resident. However, the Form I-687, which is an original as opposed to a photocopy, is unsigned and undated. It can not be ascertained when the form was completed. Therefore, it fails to establish that the applicant attempted to file this application during the original legalization period from 1987 to 1988 or as part of a later claim for class membership.

On appeal, counsel claims that when the applicant filed his application for class membership prior to October 2000, CIS kept the documents and informed the applicant that he would receive an appointment at a later date. Counsel says that the applicant was

never informed of an appointment. Counsel contends that the applicant has established his eligibility under the LIFE program. However, there is nothing in the record to indicate that he filed anything for class membership. Furthermore, there are no other CIS files relating to the applicant.

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.