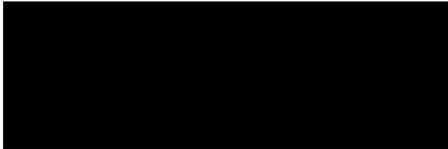


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**U.S. Citizenship  
and Immigration  
Services**



*LA*

FILE:



Office: MISSOURI SERVICE CENTER

Date **JUL 06 2004**

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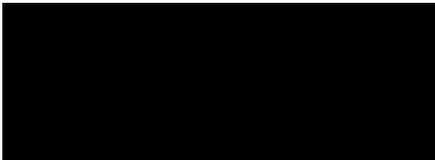
Applicant:



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:



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. Any further inquiry must be made to that office.

*Robert P. Wiemann*

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 application be reconsidered on humanitarian reasons. Counsel reiterates his claim that the applicant had attempted to file an application under section 245A of the Immigration and Nationality Act (the Act), but was rejected and discouraged to apply. Counsel submits copies of documents that were previously submitted.

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. In the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership in a legalization class-action lawsuit before October 1, 2000. 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 indicated on his Life application that his spouse was applying for adjustment of status under the provisions of the LIFE Act. Citizenship and Immigration Services (CIS) records, however, do not reveal any evidence that the applicant's spouse had filed a timely written claim to class membership.

Along with his LIFE application, the applicant submitted a G-325A, Biographic Information Form, a Form I-693 Medical Examination, a copy of an unsigned Form I-687 Application, a copy of his Columbian passport and birth certificate, and several affidavits from acquaintances attesting to his residence in the United States. The applicant provided a statement indicating that during May 1987 to May 1988 he was initially discouraged then rejected by an officer of the legacy Immigration and Naturalization Service, now CIS from applying for the legalization program. Counsel, in a letter, asserted that the applicant subsequently applied under the *CSS/LULAC vs. INS* lawsuit.

As previously mentioned by the director in his Notice of Decision, the documents submitted along with the applicant's LIFE application may serve as evidence of the applicant's identity and residence, but they do not establish that a timely written claim for class membership was filed prior to October 1, 2000.

In response to the Notice of Intent to Deny issued on October 15, 2002, counsel provided copies of documents that were initially submitted with the applicant's LIFE application. Counsel claimed that the applicant had attempted to file an application under section 245A of the Act, but was rejected and discouraged to apply. Counsel further claimed that the applicant was informed that he would receive an appointment at a later date. Though counsel asserted that the applicant applied for class membership in CSS prior to October 2000, no documentary evidence thereof was submitted and there are no records within CIS, which demonstrate that the applicant applied for class membership.

Given his failure to credibly document having 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.