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Washington, DC 20529

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

L2

[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date: JUL 20 2004

IN RE:

Applicant:

[Redacted]

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:

[Redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. 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, counsel asserts that the applicant is eligible for permanent resident status under the LIFE Act because he was "front desked" when he attempted to apply for temporary residence under section 245A (legalization) of the Immigration and Nationality Act (INA). The record shows that counsel subsequently submitted a brief that shall be incorporated into the appeal and discussed below.

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.

Counsel contends that the applicant is eligible for permanent resident status under the LIFE Act because he was front desked (informed that he was not eligible for legalization) when he attempted to apply for temporary residence under section 245A of the INA with the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS). However, the record reflects that the applicant timely filed his application for temporary resident status under section 245A of the INA on May 4, 1988. The legalization application was subsequently approved on May 7, 1992. The applicant's temporary residence was subsequently terminated on January 14, 1999, and the applicant appealed this termination of his temporary residence. The applicant's appeal was ultimately dismissed by the AAO on July 12, 2002. Section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of the matter, as the original application for temporary resident status under section 245A of the INA had been filed by the applicant in a timely manner.

The fact that an alien filed a timely Form I-687 legalization application does not establish eligibility to adjust to permanent residence under the LIFE Act. The legalization class-action lawsuits discussed above relate to aliens who claim they did not file applications in the 1987-1988 period because they were improperly dissuaded by the Service from doing so. Neither counsel nor the applicant provides an explanation as to why the applicant would have sought membership in the legalization class-action lawsuits as he had not been improperly dissuaded by the Service and did file a timely application on May 4, 1988.

Counsel asserts that the applicant should be eligible for permanent resident status under the LIFE Act because of the length of his residence in this country and humanitarian considerations. However, counsel has failed to cite any relevant regulation, statute, or legal precedent to support his argument. There is no waiver or exception available, even for humanitarian reasons, of the requirements stated above.

Counsel states that the Service has consistently used an erroneous Alien Registration Number, [REDACTED], otherwise known as an A-number or file number, in referencing the applicant. However, the record shows that the applicant was assigned this particular A-number when he filed the previously discussed application for temporary resident status under section 245A of the INA on May 4, 1988. Any prior A-number and

corresponding file that the Service had created relating to the applicant was then consolidated into the current record of proceedings.

The record reflects all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership. Such check included the separate file, [REDACTED] Record of Deportable Alien, that was created by the Service when the applicant and his family surrendered themselves to an officer of the Service on July 26, 1978, for their prior illegal entry into the United States. That file has now been consolidated into the current record of proceedings. Given his failure to document that he timely 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.