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

LA

FILE:



Office: MISSOURI SERVICE CENTER

Date: **JUN 21 2004**

IN RE:

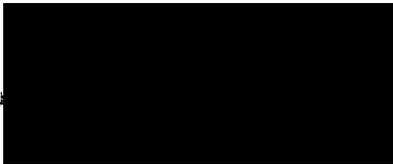
Applicant:



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).

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, 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. It is now on appeal before the Administrative Appeals Office. The appeal will be dismissed.

The director concluded that the applicant had not established 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 provides documents to establish the applicant's residency in the United States prior to January 1, 1982 through May 4, 1988.

An applicant for permanent resident status under section 1104 of 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 one 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 section 1104(b) of the LIFE Act and 8 C.F.R. § 245a.10.

With his LIFE application and in response to the Notice of Intent to Deny issued on February 25, 2003, the applicant submitted a G-325A, Biographic Information Form, a Form I-693 Medical Examination, a copy of his Columbian passport and birth certificate along with affidavits and documents to establish his residence in the United States. As previously mentioned by the director in his Notice of Decision, these documents 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. Counsel claimed that the applicant had attempted to file an application under section 245A of the Act, but was rejected and discouraged to apply. 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.

On appeal, counsel submitted an incomplete photocopied Form I-687 Application for Temporary Resident Status under section 245A of the Act (the final page containing the signature of the applicant was not provided) along with copies of documents that were previously provided. The applicant does not explain *why*, if this application were truly in his possession the entire time, he did not submit it with his LIFE application, as applicants were advised to provide evidence *with* their applications.

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.