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

*LA*

ADMINISTRATIVE APPEALS OFFICE  
425 Eye Street N.W.  
BCIS, AAO, 20 Mass, 3/F  
Washington, D.C. 20536



Aug 26 2003

File:

Office: Missouri Service Center

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).

ON BEHALF OF APPLICANT: SELF-REPRESENTED

**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.

*Robert P. Wiemann*  
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 (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 reiterates a previous claim that he had relied upon an attorney to file claims of class membership and corresponding legalization applications for him and his family with the Service (now the Bureau). The applicant contends that this individual subsequently failed to take any further action despite promises to do so. The applicant submits additional documentation in support of his appeal.

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). In the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership before October 1, 2000. However, the applicant must establish that the family relationship existed at the time the spouse or parent initially attempted to apply for temporary residence (legalization) in the period of May 5, 1987 to May 4, 1988. 8 C.F.R. § 245a.10.

Bureau regulations provide an illustrative list of documents that an applicant may submit to establish that he or she filed a written claim for membership before October 1, 2000. 8 C.F.R. § 245a.14. The regulations also permit the submission of "[a]ny other relevant document(s)." 8 C.F.R. § 245a.14(g).

The applicant failed to submit any documentation addressing this requirement at the time the application was filed. In rebuttal to the notice of intent to deny and on appeal, the applicant claims that he had relied upon an attorney to file claims for class membership and corresponding legalization applications for him and his family with the Bureau. The applicant contends that this individual failed to take any further action despite promises to do so. In support of his claim the applicant submits a photocopy of a Form G-28, Notice of Entry of Appearance as Attorney or Representative, dated May 22, 1998, and a separate undated letter.

The Form G-28 and letter provide evidence that the applicant sought the advice of an individual employed at a immigration consulting service regarding removal proceedings that had been instituted against him by the Bureau. The record contains the separate file [REDACTED] which corresponds to these removal proceedings. While the evidence provided by the applicant tends to establish that he consulted an individual about obtaining a grant of cancellation of removal, the record contains no evidence to corroborate the claim that this individual also promised to file claims for class membership and corresponding legalization applications for the applicant and his family. Even if the applicant's claim is viewed in a manner most favorable to him, the Bureau cannot be held responsible for the lack of action by an individual retained by the applicant. The burden to file a written claim for class membership in one of the requisite legalization lawsuits prior to October 1, 2000, rests solely with the applicant.

The record contains a computer printout that reflects that the Bureau checked all appropriate indices and files to determine that the applicant's wife is not a class member. Given his failure to document that either he or his wife 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.