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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529

U.S. Citizenship and Immigration Services

L2

[redacted]

DEC 03 2004

FILE: [redacted] Office: NATIONAL BENEFITS CENTER Date:

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: Self-represented

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, National Benefits 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 she 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 claims to have sent a request for class membership to the legacy Immigration and Naturalization Service, now Citizenship and Immigration Services (CIS) prior to October 1, 2000.

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.

Along with her LIFE application, the applicant included: 1) a Form I-687 Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act dated February 22, 1988; 2) a Legalization Questionnaire dated January 15, 2000; 3) an undated affidavit that described her purported attempts to apply for legalization during the actual filing period of May 5, 1987 to May 4, 1988; 4) documentation establishing her identity; and 5) documentation to establish her residence in the United States.

The documentation presented to establish the applicant's identity and residence does not constitute that the applicant filed a timely written claim to class membership prior to October 1, 2000. Further, the Legalization Questionnaire bears a "live" signature in ink. Thus, this is an original document, rather than a photocopy of what the applicant is apparently claiming she had submitted in the past. If the applicant had actually submitted the questionnaire prior to October 1, 2000, it would be in the possession of CIS, and the applicant would only have a photocopy to now furnish in this LIFE proceeding. An examination of CIS records fails to disclose any evidence of this applicant having previously filed such questionnaire. In fact, no CIS A-file was ever created in the name of the applicant until she filed this LIFE application on March 10, 2003.

It must be noted that the applicant is one of many aliens whose LIFE applications were prepared by [redacted] an immigration consultant in Chicago. Although he has also signed the appeals, [redacted] is not an accredited representative or otherwise authorized to represent aliens in proceedings before CIS pursuant to 8 C.F.R. § 292.2.

Given her failure to establish having filed a timely 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.