



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: [Redacted] Office: National Benefits Center Date: JUL 28 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: Self-represented

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 the matter 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

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**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

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 (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 stated: "This appeal is based on the fact that back in April 1988 I retain [sic] a lawyer that was helping in immigration procedures. At that time, I was paying him to handle my case. I trusted him to do so. But in reality I don't have no paperwork that would show that he filed the necessary paperwork to establish my class. Therefore, I appeal your decision hoping that would consider that I am a person who trusted my attorney to do what was required. I don't know the procedures for INS or the language. Therefore, I need to depend on him. Please consider my case, and notice that I have been in this most of my life (35 years) It would represent hardship [sic] to return to my country now."

It is noted that the record contains a signed Form G-28, Notice of Entry of Appearance as Attorney or Representative dated November 15, 1988.

The regulation at 8 C.F.R. § 292.4 states, in pertinent part:

During proceedings before the Service, substitution may be permitted upon the written withdrawal of the attorney or representative of record, or upon notification of the new attorney or representative.

The applicant's written withdrawal of the services of his attorney of record is acknowledged.

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.

The record shows that the applicant filed a Form I-687, Application for Status as a Temporary Resident, on May 4, 1988, as the first step in seeking legalization under section 245A of the Immigration and Nationality Act (INA). Section 245A was added to the INA by the Immigration Reform and Control Act of 1986 (IRCA). The District Director of the Regional Processing Facility of the Immigration and Naturalization Service in Dallas, Texas denied the I-687 application on December 3, 1988 because the applicant abandoned his illegal residence in the

United States in September 1982 and did not return to this country until September 1985. The applicant filed an appeal, which was dismissed by the Legalization Appeals Unit of the Office of Administrative Appeals in Washington, D.C., the AAO's predecessor office, on November 13, 1991.

The applicant failed to submit any documentation addressing the written claim for class membership requirement when the application was filed. Furthermore, he has not provided any documentation regarding that point on rebuttal or on appeal. There are no records within Citizenship and Immigration Services relating to a request for class membership by the applicant. Given this failure to document that he 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.