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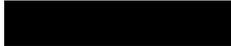


U.S. Citizenship
and Immigration
Services

PUBLIC COPY



FILE:



Office: National Benefits Center

Date:

MAY 27 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: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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 directors 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 states that he had filed for class membership for LULAC in 1981 and that because of the lack of cooperation from the Immigration and Naturalization Service, he must file for adjustment of status for a second time.

The appeal was filed on behalf of the applicant by [REDACTED] who filed a Form G-28, Notice of Appearance as Attorney or Representative. This person indicated on the form to be an accredited representative of a religious, charitable, social service, or similar organization but neglected to list the name of that organization. Therefore this person does not qualify as an attorney or an accredited representative in this proceeding within the meaning of 8 C.F.R. § 292.1. As specified in 8 C.F.R. § 292.1(a)(3)(ii), an applicant may be represented by "[a]ny reputable individual of good moral character, provided that [h]e is appearing without direct or indirect remuneration and *files a written declaration to that effect.*" (Emphasis added.) No such written declaration has been filed in this case by Malgorzata Szymczak. Accordingly, this decision will only be sent to the applicant.

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 applicant applied for temporary residence under section 245A of the Immigration and Nationality Act on July 5, 1988. It was determined that the applicant had not been eligible for temporary residence on the basis of that application. This is what the applicant has referred to as his first application for adjustment of status. It is noted that there was no LULAC class-action lawsuit in 1981. The fact that the previous application referred to by the applicant was accepted by the former Immigration and Naturalization Service and completely adjudicated does not substantiate a claim that he requested class membership in one of the three class-action lawsuits.

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 applicant failed to submit any documentation addressing this 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.