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U.S. Citizenship
and Immigration
Services

L2

FILE:



Office: NATIONAL BENEFITS CENTER

Date: DEC 21 2005

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. 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 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 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 his 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 September 23, 1987; 2) a Legalization Questionnaire dated January 9, 1999; 3) an undated affidavit that described his purported attempts to apply for legalization during the actual filing period of May 5, 1987 to May 4, 1988; 4) documentation to establish his identity; and 5) documentation to establish his 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. An examination of CIS records fails to disclose any evidence of this applicant having previously filed the questionnaire and Form I-687 application. In fact, no CIS file was ever created in the name of the applicant until he filed this LIFE application on May 19, 2003.

On appeal, the applicant submits a notice dated April 17, 2003 from the Vermont Service Center addressed to another individual. It is noted that each individual case is ultimately decided on its own merits and based on its own record of proceeding and, therefore, said notice cannot be considered in this case.

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, Mr. [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 his 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.