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U.S. Citizenship
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FILE:



Office: NATIONAL BENEFITS CENTER

Date: NOV 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 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 U.S. 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). In the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership in a legalization class-action lawsuit before October 1, 2000. 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 January 25, 1988; 2) a Legalization Questionnaire dated December 6, 1999; 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. 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 she filed this LIFE application on May 21, 2003.

The applicant indicated on her LIFE application that her spouse was also applying for the benefit being sought. The director reviewed CIS, but was unable to establish any record that the applicant's spouse had filed a timely written claim to class membership. Further, the record reflects that the applicant's marriage occurred on November 10, 1989. Because the requisite relationship to her spouse did not exist when the spouse may have attempted to apply for legalization during the May 5, 1987 through May 4, 1988 period, the applicant cannot derive status from her spouse under section 1104 of the LIFE Act.

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.