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FILE:



Office: NATIONAL BENEFITS CENTER

Date: **FEB 27 2006**

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 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

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 indicates that he sent a request for class membership to both the Washington, D.C. office and the Vermont Service Center of the United States Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS).

Although a Notice of Entry of Appearance as Attorney of Representative (Form G-28) has been submitted, the individual is not authorized under 8 C.F.R. § 292.1 or 8 C.F.R. § 292.2 to represent the applicant. Therefore, this decision will be furnished to the applicant only.

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. The regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

With his Form I-485 LIFE Act application, the applicant included a photocopy of a Form I-687 Application for Status as Temporary Resident Under Section 245A of the Immigration and Nationality Act (INA), that is signed by him and dated October 26, 1987. The applicant also provided photocopies of a Legalization Questionnaire dated January 26, 2000, and an undated document titled "Affidavit," which described his purported attempts to have applied for legalization during the actual filing period of May 5, 1987 to May 4, 1988. However, the documents contain no indication such as a fee receipt mark or received stamp to demonstrate that these documents were actually submitted to the Service or its successor CIS prior to October 1, 2000. An examination of all relevant records and indices fails to disclose any evidence of this applicant having filed such forms prior to filing of his LIFE Act application on May 6, 2003. In fact, the Service and its successor CIS did not create an Administrative File or A-file in the name of the applicant until he filed this LIFE Act application.

The record reflects that all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership in a timely manner. The applicant has failed to submit any documentation that establishes his having filed a timely written claim for class membership in one of the aforementioned legalization class-action lawsuits. Accordingly, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.