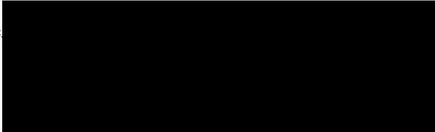


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**U.S. Citizenship
and Immigration
Services**

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L-2

FILE:


MSC 03 141-62566

Office: NATIONAL BENEFITS CENTER

Date: **JUL 08 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

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 asserts that he was misrepresented by his former counsel and should not be blamed for counsel's wrongdoings.

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.

An appeal based upon a claim of ineffective assistance of the representative requires (1) that the appeal be supported by an affidavit of the allegedly aggrieved respondent setting forth in detail the agreement that was entered into with the representative with respect to the actions to be taken and what representations the representative did or did not make to the respondent in this regard, (2) that the representative whose integrity or competence is being impugned be informed of the allegations leveled against her and be given an opportunity to respond, and (3) that the appeal reflect whether a complaint has been filed with appropriate disciplinary authorities with respect to any violation of the representative's ethical or legal responsibilities, and if not, why not. *Matter of Lozada*, 19 I&N Dec. 637 (BIA 1988), *aff'd*, 857 F.2d 10 (1st Cir. 1988).

The record does not contain a Form G-28, Notice of Entry of Appearance as Attorney or Representative. As such, even if applicable in this instance, the applicant has not taken the required steps to file a complaint of ineffectual assistance of counsel with the proper licensing authority.

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.

Along with his LIFE application, the applicant submitted a copy of a Form I-687 Application for Status as a Temporary Resident under section 245 of the Immigration and Nationality Act and a copy of his passport. As previously mentioned by the director in his Notice of Decision, the passport may serve to establish the applicant's identity, but it does not establish that the applicant filed a timely written claim for class membership prior to October 1, 2000.

Citizenship and Immigration Services (CIS) has no record of the applicant attempting to or filing a Form I-687 application. In fact there is no record of CIS generating an Alien Registration Number for the application or receiving any correspondence prior to the filing of the applicant's LIFE application on February 18, 2003.

On October 16, 2003, the director issued a Notice of Intent to Deny, which provided the applicant the opportunity to submit evidence establishing he filed a timely written claim for class membership. The applicant, however, failed to respond to the notice.

Given his 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.