



U.S. Citizenship
and Immigration
Services

[Handwritten mark]

[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant:

[Redacted]

APR 27 2004

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).

PUBLIC COPY

ON BEHALF OF APPLICANT:

Self-represented

**identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**

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.

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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, Missouri Service 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 Washington, D.C. office of the U.S. Immigration and Naturalization Service (now Citizenship and Immigration Services, or CIS.)

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 her LIFE application, the applicant included a Form I-687, Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act, dated February 15, 1988. She also provided a Legalization Questionnaire dated February 21, 2000, and 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.

The Form I-687 was completed and signed in ink, and the Legalization Questionnaire and affidavit bear a "live" signature in ink. Thus, these are original documents, rather than photocopies of what the applicant is claiming she had submitted in the past. If the applicant had actually submitted any of these documents prior to October 1, 2000, they would be in the possession of CIS, and the applicant would only have photocopies to furnish now in this LIFE proceeding. An examination of CIS records fails to disclose any evidence of this applicant having previously filed such forms. In fact, no CIS file was ever created in the name of the applicant until she filed this LIFE application on October 15, 2002.

It must be noted that the applicant is one of many aliens whose LIFE applications were prepared by Mario E. Carretero, an immigration consultant in Chicago. Although he has also signed the appeals, Mr. Carretero is not an accredited representative or otherwise authorized to represent aliens in proceedings before CIS.

Furthermore, all of his cases reviewed by this office thus far are the same in that none of the aliens had a pre-existing file with CIS prior to the filing of his or her LIFE application. Also, while LIFE applicants must demonstrate that they resided in the United States from January 1, 1982 to May 4, 1988, pursuant to 8 C.F.R. 245a.11(b), none of these applicants has provided any of the contemporaneous documents relating to residence during that period that are listed in 8 C.F.R. § 245a.2(d)(3), such as pay stubs, W-2 forms, bills, school and medical records, receipts, licenses, registrations, and birth certificates of children born in the United States. Although this applicant has provided a letter from May 1987 attesting to her employment since 1981, the other affidavits she and the other applicants have submitted attesting to their residence for the 1982-88 period are all in the same stylized format with the same typeface, and they are all identically-worded "fill in the blank" statements. These factors and commonalities raise additional questions as to the eligibility of the applicants for adjustment of status under the LIFE Act.

It is noted that the applicant gave birth to twins on May 24, 1985 in Mexico. While she claimed on Form I-687 that she departed the United States on May 17 because her mother was sick, her claim that she was living in Chicago and departed at that very late stage of her pregnancy for Mexico would not seem plausible. A more likely possibility would be that she had been residing in Mexico when the children were born.

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.