



U.S. Citizenship
and Immigration
Services

[Handwritten mark]

[Redacted]

FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

APR 27 2004

IN RE: Applicant: [Redacted]

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

PUBLIC COPY
*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.

[Handwritten signature]

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 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 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 his 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 23, 1988. He also provided a Legalization Questionnaire dated April 13, 2000, and an undated affidavit which described his purported attempts to apply for legalization during the actual filing period of May 5, 1987 to May 4, 1988.

The Form I-687 and the affidavit were completed and signed in ink, and the Legalization Questionnaire appears to bear a "live" signature in ink. Thus, these are original documents, rather than photocopies of what the applicant is claiming he 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 he filed this LIFE application on May 29, 2002. It must be noted that even if the Legalization Questionnaire were deemed to be a true photocopy, there is no reason to believe an original of such document was submitted in April 2000, as the Immigration and Naturalization Service, in 2000, normally created files upon receipt of questionnaires.

It must be further 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.

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, although a LIFE applicant must demonstrate that he or she 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 actual contemporaneous records of residence during that period, such as receipts, bills, pay stubs, school records, birth certificates of children born in the United States, medical records, bank statements, tax forms, licenses and vehicle registrations. This applicant has furnished one affidavit dated April 30, 2002 from an employer, attesting to his employment since 1980. The other affidavits attesting to his residence for the 1982-88 period are the same as those submitted by the other applicants, in the same stylized format with the same typeface, and they are all identically-worded "fill in the blank" statements. Although they live in different parts of Chicago and its suburbs, the various applicants all provide an affidavit attesting to membership in the same parish in Chicago. In this case the affidavit is contradicted by another affidavit that indicates the applicant is a parishioner of another church. These factors and commonalities raise additional questions as to the eligibility of the applicants for adjustment of status under the LIFE Act.

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.