



U.S. Citizenship
and Immigration
Services

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[Redacted]

FILE: [Redacted] Office: NATIONAL BENEFITS CENTER

Date: **AUG 10 2004**

IN RE: Applicant: [Redacted]

PETITION: 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. 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

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

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 (AAO) 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 from the initial denial, the applicant indicated that she sent a timely request for class membership to the Washington, D.C. office of the Immigration and Naturalization Service, or the 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) (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.

Along with her LIFE application and in response to the notice of intent to deny, the applicant included a Form I-687, Application for Status as Temporary Resident Under Section 245A of the Immigration and Nationality Act (INA), dated February 23, 1988. The applicant also provided a Legalization Questionnaire dated December 15, 1999, and an undated document titled "Affidavit," which described her purported attempts to have applied for legalization during the actual filing period of May 5, 1987 to May 4, 1988. An examination of relevant records fails to disclose any evidence of this applicant having previously filed such forms prior to the filing of her LIFE Act application on March 21, 2003. Furthermore, the applicant failed to provide independent evidence such as postal receipts and either acknowledgement letters or receipt notices from the Service that would demonstrate that such documents had been filed at any earlier date.

It must be noted that the applicant is one of many aliens whose LIFE applications were prepared by [REDACTED] an immigration consultant in Chicago, Illinois. Although he has also signed the appeals, [REDACTED] is not authorized to represent aliens in any proceeding before CIS. Furthermore, all of the 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 their LIFE applications. 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 8 C.F.R. 245a.11(b), none of these applicants have provided any contemporaneous evidence of such. These factors and commonalities raise additional questions as to the eligibility of the applicants for adjustment of status under the LIFE Act.

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.