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U.S. Citizenship
and Immigration
Services



LR

FILE:



Office: NATIONAL BENEFITS CENTER

Date JUL 12 2004

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, 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 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 Immigration and Naturalization Service, now Citizenship and Immigration Services (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 (the Act.) dated October 26, 1987. The applicant also provided a photocopy of a Legalization Questionnaire dated December 4, 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, along with documentation to establish her identity and residence in the United States.

The documentation presented to establish the applicant's identity and residence does not constitute that the applicant filed a timely written claim to class membership prior to October 1, 2000.

On appeal, the applicant submits another Legalization Questionnaire dated December 4, 1999 that bears a "live" signature in ink. It is noted that the undated Affidavit was completed and signed in ink. Thus, these are original documents, rather than photocopies of what the applicant is apparently 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 now furnish 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 A-file was ever created in the name of the applicant until she filed this LIFE application on January 6, 2003.

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 authorized to represent aliens in any proceeding before CIS pursuant to 8 C.F.R. § 292.2. 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 to 8 C.F.R. 245a.11(b), none of these applicants have provided any contemporaneous evidence of such. The affidavits they have provided 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.



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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.