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U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

U.S. Citizenship and Immigration Services

[redacted]

FILE: [redacted] Office: NATIONAL BENEFITS CENTER Date: JUN 1 6 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:

[redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case 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

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, counsel reiterates the claim that the applicant is eligible for permanent residence under the LIFE Act, and asserts that she has submitted a credible affidavit in support of such claim. Counsel also includes a new statement from the applicant in which she declares that she applied for LULAC with the Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) in 1991.

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. Those regulations also permit the submission of "[a]ny other relevant document(s)." *See* 8 C.F.R. § 245a.14.

In response to the notice of intent to deny, the applicant submitted an affidavit signed by [redacted] In her affidavit, [redacted] stated that she had assisted the applicant because of her lack of competency in English in preparing a LULUC application in 1991. Furthermore, on appeal, the applicant asserts that she went to a Service office on three separate occasions to file this application until it was finally accepted by a Service employee. While the affidavit and the applicant's statement could be considered as relevant documents pursuant 8 C.F.R. § 245a.14, the applicant has failed to provide any independent evidence to substantiate her claim. Even if the applicant provided evidence to corroborate her claim that she made a written claim to class membership in a legalization class-action lawsuit prior to October 1, 2000, a review of the record reveals that she is not eligible to adjust to permanent residence under section 1104 of the LIFE Act.

Although not noted by the director, each applicant for permanent resident status must establish that he or she entered and commenced residing in the United States *prior to January 1, 1982*, pursuant to section 1104(c)(2)(B)(i) of the LIFE Act. Furthermore, 8 C.F.R. § 245a.11(b) requires that such applicants must establish continuous residence in the United States in an unlawful status since such date through May 4, 1988.

With the LIFE Act application, counsel submitted a letter dated May 22, 2002. In this letter, counsel indicated that the evidence submitted in support of the LIFE Act application included: "Evidence that prior to October 1, 2000 [the applicant's name] filed with the Attorney General a written claim for class membership in the CSS, LULAC, or ZAMBRANO lawsuit." However, a review of the supporting evidence reveals that the applicant provided documentation relating to a previously filed request for consideration as a replenishment agricultural worker or RAW. While aliens requesting consideration as replenishment agricultural workers were assigned registration numbers by the Service, these registration numbers are not A-file numbers. Moreover, the RAW program has never been associated with any of the legalization class-action lawsuits cited above, and the fact that an individual requested consideration as a replenishment agricultural worker cannot be equated with having filed a written claim for class membership in these legalization lawsuits.

In addition, the applicant included a photocopy of a Spanish language document entitled: "Form for Legalization through Agriculture." At question number 13 of this document, where aliens were asked to list

the date that they entered the United States, the applicant listed December 1986. Furthermore, at question number 17 of this document, where aliens were asked to make a list of all their addresses that they had here in the United States, the applicant failed to list any period of residence in this country prior to December 1986. Therefore, the applicant did not continuously reside in this country in an unlawful status from prior to January 1, 1982 through November 1986.

An applicant for permanent residence under the provisions of the LIFE Act must establish he or she entered and continuously resided in United States in an unlawful status since prior to January 1, 1982 through May 4, 1988, as required under section 1104(c)(2)(B)(i) of the LIFE Act and 8 C.F.R. § 245a.11(b), As the applicant acknowledged that she did not enter and begin residing in this country until December 1986, she 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.