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U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



U.S. Citizenship
and Immigration
Services



FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant: [Redacted]

MAY 13 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).

ON BEHALF OF APPLICANT: Self-represented

Identifying data deleted to
protect privacy information
per USCIS policy

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.

Robert P. Wiemann, Director
Administrative Appeals Office

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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 (INS), 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 record reveals the applicant mailed copies of Form I-687 (Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act) dated April 10, 1988, a Legalization Questionnaire dated May 24, 2000, and an undated affidavit that described his purported attempts to apply for legalization to the Texas Service Center of INS in March of 2002. It was received there on March 11, and a day later that center sent the applicant a notice advising him that he needed to contact the Vermont Service Center. He sent the documents to that center, where they were received on March 25.

Although the applicant claims he had sent the original forms to the Washington, D.C. office of INS prior to October 1, 2000, an examination of CIS records fails to disclose any evidence of this applicant having previously filed such forms. The applicant has not provided any evidence, such as postal receipts, of having mailed anything to the Washington, D.C. office. In fact, no CIS file was ever created in the name of the applicant until he filed this LIFE application at the Missouri Service Center on March 7, 2002. This was the same time that he was sending the aforementioned copies of documents to the Texas Service Center.

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 all of the aliens claim to have requested class membership in the *Catholic Social Services* (CSS) lawsuit, rather than *Zambrano* or

LULAC. They all claim to have been absent from the United States in 1987 or 1988, which could qualify them for CSS consideration, and they all claim to have returned within 45 days, which would allow them to be considered to have still maintained continuous residence for legalization purposes. Importantly, virtually none of the aliens had a pre-existing file with CIS prior to the filing of his or her LIFE application, and none had a file prior to the October 1, 2000 deadline for having applied for class membership. None of them has provided any type of individual receipt or letter that was issued to him or her by the Immigration and Naturalization Service prior to October 1, 2000.

Also, although 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), virtually none of these aliens, including this applicant, 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. Most of the affidavits he and the other applicants 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.

The applicant has provided an original, signed employment letter dated March 10, 1990, attesting to his employment since 1981. The letter simply does not appear to have been written over 14 years ago, and in fact does not appear to be any older than the other material dating from 2002 which was furnished with the LIFE application. If this letter were actually written that long ago, presumably to be used for some purpose at that time, it is not known why the applicant would have still had it to submit with his LIFE application.

Given his failure to establish having filed a timely written claim for class membership, and the dubious nature of his documentation, 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.