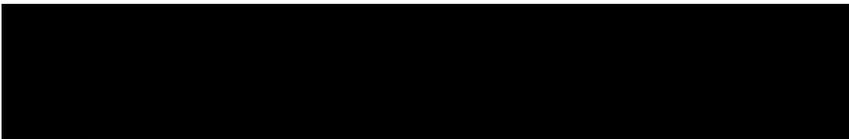


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U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20536



U.S. Citizenship
and Immigration
Services



FILE:



Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant:



MAY 19 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

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

Information data deleted to
prevent clearly unwarranted
disclosure of personal privacy

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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 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 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 her May 29, 2002 LIFE application, the applicant included a photocopy of a Legalization Questionnaire dated May 7, 2000, a Form I-687, Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, dated December 4, 1995, and a photocopy of an undated affidavit delineating her purported efforts at having attempted to apply for legalization during the original 1987-88 period. The records of CIS do not contain the original questionnaire and affidavit, or another version of Form I-687. The Form I-687 provided with the LIFE application is an actual form completed in ink and therefore is an original document, rather than a copy of what the applicant is claiming she had previously submitted. She has not provided any postal receipts or other evidence which would suggest that she mailed the Form I-687 or any of these documents to the Washington, D.C. office, or any other office, prior to October 1, 2000 as claimed. In fact, no CIS file was ever created in the name of the applicant until she filed this LIFE application on May 29, 2002.

It must be 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, 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). None of these applicants 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. 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. Although they live in different parts of Chicago and its suburbs, the applicants all provide an affidavit attesting to membership in the same parish in Chicago.

The applicant has submitted two photocopied letters of employment, both dated January 14, 2002. These letters, and the form-letter affidavits referred to above, allude to the continuous residence of the applicant in the United States from 1981 to 2002. The plausibility of this claim is diminished by the fact that the applicant gave birth in Mexico in 1984 and 1989. These factors and commonalities raise additional questions as to the eligibility of the applicant for adjustment of status under the LIFE Act.

Given her failure to establish having filed a timely written claim for class membership, and the doubtful nature of her claim of continuous residence, 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.