



U.S. Citizenship
and Immigration
Services



LA

FILE: [Redacted] Office: NATIONAL BENEFITS CENTER

Date:

MAR 2 2007

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: Self-represented

Identifying only activities
present clearly unwarranted
privacy

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, reopened, and denied again by the Director, Missouri Service Center. It is before the Administrative Appeals Office on certification. The decision will be affirmed.

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 (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.

The applicant filed a Legalization Questionnaire with the Immigration and Naturalization Service's Vermont Service Center on December 18, 2000. Such document may be considered to be a request for class membership. However, it was not filed before the required date of October 1, 2000.

Along with his LIFE application, the applicant included a Form I-687, Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act, dated August 16, 1987. He also provided an undated affidavit that described his purported attempts to apply for legalization during the actual filing period of May 5, 1987 to May 4, 1988.

The Form I-687 and the affidavit were signed in ink. Thus, these are original documents, rather than photocopies of what the applicant is claiming he 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 furnish now 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 file was ever created in the name of the applicant until he filed the questionnaire at the Vermont center on December 18, 2000.

On appeal the applicant has furnished two copies of the Legalization questionnaire that was filed on December 18, 2000. The applicant signed and dated that questionnaire on December 1, 2000. However,

on one of the copies submitted on appeal the date was obliterated. On the other copy May 6, 2000 appears as the date. These obvious alterations raise grave questions regarding the applicant's credibility.

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. Although the applicant has furnished one employment affidavit attesting to his employment from 1981 to 1984, the other affidavits he and the other applicants have provided attesting to their residence for the 1981-88 period are all in the same stylized format, and 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. These factors and commonalities raise additional questions as to the eligibility of the applicants for adjustment of status under the LIFE Act.

The applicant indicated on his LIFE application that he last entered the United States on August 16, 1987. However, his marriage certificate shows he was married in Mexico in 1989, and that he was living in Mexico at that time. His claim of continuous residence from 1981 until the filing of his LIFE application does not appear to be credible.

Given his failure to establish having filed a timely written claim for class membership, and the dubious nature of his residence claim, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

ORDER: The decision is affirmed. The application is denied. This decision constitutes a final notice of ineligibility.