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U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services

Administrative Appeals Office
425 Eye Street N.W.
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Washington, D.C. 20536

ADMINISTRATIVE APPEALS OFFICE
425 Eye Street N.W.
BCIS, AAO, 20 Mass, 3/F
Washington, D.C. 20536

[Redacted]

APR 10 2000

File: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

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).

IN BEHALF OF APPLICANT:

[Redacted]

PUBLIC COPY

INSTRUCTIONS:

Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. 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
for

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 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 states that he has established his class eligibility. The applicant also claims that he was denied due process because he did not have the opportunity to respond and clarify the issues raised in the decision. According to the applicant the decision is arbitrary, unreasonable, unfair and unjust.

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).

The applicant failed to submit any documentation addressing this requirement when the application was filed. Furthermore, the applicant has not provided any documentation establishing that he filed a written claim with the Attorney General for class membership in any of the class-action lawsuits on rebuttal or on appeal.

In regards to the applicant's arguments raised on appeal, the applicant was sent, and apparently received, the Notice of Intent to Deny and the Notice of Decision. In both notices, the director clearly described the reasons for the denial, and the applicant was given an opportunity to submit additional evidence.

Given his failure to document that he filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

In addition, it should be noted that the applicant indicated on his Form I-485 LIFE Application and on the concurrent Form I-765 Application for Employment Authorization, that he last entered the United States on May 27, 1984. In addition, on his Biographic Information Form G-325, the applicant indicated that he resided in

Bangladesh until May 1984. Pursuant to 8 C.F.R. § 245a.11(b), each applicant must demonstrate that he or she entered the United States prior to January 1, 1982 and resided in this country since that date. Therefore, the applicant is unable to meet this requirement.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.