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U.S. Department of Homeland Security

Citizenship and Immigration Services

Identification of individuals to
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ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 20 Mass, 3/F
425 I Street, N.W.
Washington, D.C. 20536



FILE: [REDACTED]

Office: NATIONAL BENEFITS CENTER

Date: DEC 16 2008

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: Self-represented

PHOTOCOPY

INSTRUCTIONS:

Attached is the decision rendered on your appeal. 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

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 reaffirms his eligibility for permanent resident status under the LIFE Act as one who has applied for class membership in the *CSS/LULAC* class-action lawsuit. In addition, the applicant asserts that additional documentation that would have supported his claim to eligibility is no longer in his possession as it was previously provided to an attorney who died several years ago.

An applicant for permanent resident status under section 1104 of 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 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.

With his LIFE application, the applicant provided a photocopy of a supposed Form I-797 Notice of Action from the Vermont Service Center dated May 20, 1996, informing the applicant that motions to reopen Legalization Appeals Unit (LAU) decisions must be filed with that office. He also furnished a photocopy of an additional Notice of Action from the Vermont Service Center, dated November 2, 1994, which notified the applicant that his check/money order was being returned as the application he had submitted did not require a fee. In addition, he submitted a photocopy of an alleged notice dated November 18, 1988 from the New York City office acknowledging receipt of his application for special agricultural worker status.

The applicant also furnished a photocopy of a Form I-797 Notice of Action dated October 3, 1991 from the Vermont Service Center informing the applicant that a previously scheduled interview to determine eligibility for class membership under *CSS/LULAC* would be cancelled and rescheduled for another date. In addition, the applicant submitted an undated photocopy of an interview notice reflecting that the applicant was to be interviewed at the New York City Office of Citizenship and Immigration Services (CIS) on

September 8, 1993 regarding the question of his eligibility for class membership in *CSS/LULAC*. However, while such documents could possibly be considered as evidence of having made a written claim for class membership, none of these submissions include a CIS A-number for the applicant, as required by 8 C.F.R. 245.14(b). Nor is there any record of CIS having generated such notices. Additionally, the applicant's failure to furnish the originals of these documents raises significant questions regarding their credibility.

In response to the notice of intent to deny, the applicant provided a photocopy of a Form for Determination of Class Membership in *CSS v. Thornburgh (Meese)* allegedly signed by the applicant on May 17, 1993, along with a photocopied Form I-687 Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act (INA) purportedly signed by the applicant on October 17, 1991. However, the applicant provides no explanation whatsoever as to why, if he truly had these documents in his possession the entire time, he did not submit them with his LIFE application. Applicants were instructed to provide qualifying evidence with their applications. The applicant also resubmitted photocopies of the interview notice and the October 3, 1991 Form I-797.

On appeal, the applicant resubmitted photocopies of the following: the undated interview notice; the October 3, 1991 Form I-797; the May 17, 1991 Form for Determination, and the October 17, 1991 Form I-687.

It is noted that the applicant is one of many aliens residing in New York City who have furnished such questionable photocopied documents with their LIFE applications. None of these applicants had pre-existing files with CIS prior to filing their LIFE applications, in spite of the fact that they all claim to have previously filed numerous applications or questionnaires with CIS. In addition, despite the absence in these files of any Form G-28, Notice of Entry of Representation, the statements on appeal from these aliens are nearly identical in language and content. These factors raise serious questions regarding the authenticity of the applications and supporting documentation.

Finally, on the applicant's G-325A Biographic Information Form, he indicated that he had resided in his native Bangladesh from July 1966 until September 1986. Pursuant to 8 C.F.R. § 245a.11(b), each applicant for permanent resident status under the LIFE Act is required to demonstrate that he or she entered and commenced residing in the United States prior to January 1, 1982. Given the applicant's inability to meet this requirement, 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.