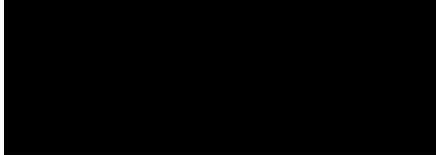


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U.S. Department of Homeland Security
Citizenship and Immigration Services

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



Identifying data deleted to
protect
invasion of personal privacy

2-10-2003

FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant:



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).

PUBLIC COPY

ON BEHALF OF APPLICANT: Self-represented

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, and as one who claims to have entered the United States before January 1, 1982 and resided continuously in an unlawful status since that date.

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), *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.

With his LIFE application, the applicant provided the following:

- a photocopied a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was purportedly signed by the applicant on September 23, 1991;
- a photocopied Form for Determination of Class Membership in *CSS v. Thornburgh (Meese)*, which was also allegedly signed by the applicant on September 23, 1991;
- a photocopy of a notice dated September 23, 1991 supposedly informing the applicant that he was to be interviewed on March 9, 1992 at the CIS office in New York City regarding the question of his eligibility for class membership in the CSS or LULAC class-action lawsuits;
- a photocopied, undated notice supposedly informing the applicant that he was to be interviewed on December 4, 1992 at the CIS office in New York City regarding the question of his eligibility for class membership in the CSS or LULAC class-action lawsuits;

- a photocopied, undated notice supposedly informing the applicant that he was to be interviewed on July 16, 1993 at the CIS office in New York City regarding the question of his eligibility for class membership in the CSS or LULAC class-action lawsuits; and
- a photocopied, undated notice supposedly informing the applicant that he was to be interviewed on August 30, 1993 at the CIS office in New York City regarding the question of his eligibility for class membership in the CSS or LULAC class-action lawsuits.

These photocopied submissions provided by the applicant could be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. 245a.14(d). However, in this case, none of the documents submitted include a Citizenship and Immigration Services (CIS) Alien Registration Number (A-number) for the applicant. Nor is there any record of CIS having generated or received such notices. It should also be noted that the documents in question consist entirely of photocopies.

Subsequently, in response to the notice of intent to deny, the applicant provided a photocopy of a completed Legalization Front-Deskling Questionnaire. However, the document is signed by the applicant on October 4, 2002 -- more than two years after the expiration of the *October 1, 2000* statutory deadline for filing for class membership.

It is further 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 1956 until October 1987. 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.