

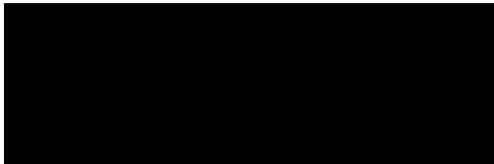
PUBLIC COPY

22

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

identifying data deleted to
prevent identity unwarranted
invasion of personal privacy

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



FILE: 

Office: NATIONAL BENEFITS CENTER

Date: DEC 18 2003

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).

ON BEHALF OF APPLICANT: 

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. It was reopened and denied again by the Director, National Benefits Center. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

In both decisions, the directors 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 of the initial decision, counsel for the applicant asserts that the director erred in denying his client's application. Counsel also submits additional documentation in support of the appeal.

Neither the applicant nor counsel responded to the subsequent decision.

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) (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.

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. Those regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

An examination of the applicant's file indicates that a Legalization Front-Desking Questionnaire was submitted prior to the LIFE application Form I-485 and was received by Citizenship and Immigration Services' (CIS) Vermont Service Center on February 5, 2001. The questionnaire was signed by the applicant and dated February 31[sic], 2001. As noted by the director, the questionnaire includes a CIS Alien Registration Number or A-number which does not belong to the present applicant. In any case, 8 C.F.R. § 245a.10(b) specifies that 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 one of the applicable legalization class-action lawsuits. As the applicant's questionnaire was not received by CIS until February 5, 2001, it was not filed in a timely manner.

Along with the questionnaire, the applicant submitted a photocopy of a CIS notice dated May 23, 1991, reflecting that he was to be interviewed at the Hialeah, Florida legalization office

at 10am on January 2, 1992 regarding the question of his eligibility for class membership in the LULAC class-action lawsuit.

In rebuttal to the notice of intent to deny, the applicant resubmitted these previously-submitted documents, along with a photocopy of a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA), which was unsigned and undated. Another photocopy of the applicant's previously-submitted CIS interview notice was subsequently provided on appeal of the initial decision.

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, the applicant indicated on his Form I-485 LIFE Act Application that he last entered the United States on August 25, 1982, and offers no evidence of any earlier entry into this country. This information is affirmed by the applicant's G-325A Biographic Information Form, in which he indicates that he resided in his native Bangladesh until August 1982. 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, he 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.

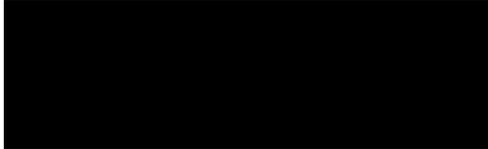
PUBLIC COPY

22

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

**Identifying data deleted to
protect privacy of individual
in violation of personal privacy**

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



FILE:



Office: NATIONAL BENEFITS CENTER

Date:

DEC 18 2004

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).

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. Wæmann, 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 (AAO) 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.

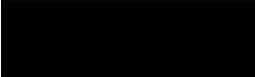
On appeal, the applicant asserts that he and his family have resided in the U.S. for 14 years, and requests that he be allowed to obtain permanent resident status and remain in this country.

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) (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.

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. Those regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

The applicant failed to submit any documentation addressing this requirement at the time the application Form I-485 was filed. Subsequently, in response to the Notice of Intent to Deny, the applicant provided documentation relating to an application he had previously filed for temporary resident status as a special agricultural worker under section 210 of the INA. A review of the record of proceedings indicates that the applicant had previously filed an application for special agricultural worker eligibility which was subsequently denied. In any case, section 1104 of the LIFE Act contains no provision allowing for the reopening and reconsideration of a timely filed and previously denied application for temporary resident status as a special agricultural worker under section 210 of the INA.

In addition, in Part 2(h) of his LIFE application, the applicant specifies that he has resided in the U.S. since 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, as well as his failure to establish having filed a timely written claim for class membership, he is ineligible for permanent residence under section 1104 of the LIFE Act.



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