

PUBLIC COPY

Identifying data related to
prevent clearly unwarranted
invasion of personal privacy

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

LA

ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 30 Mass, 3/F
425 I Street, N.W.
Washington, D.C. 20536



FILE

Office: NATIONAL BENEFITS CENTER

Date: **NOV 05 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).

IN BEHALF OF APPLICANT: Self-represented

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, 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 states that he applied for class membership before October 1, 2000 and that he is eligible to adjust his status under the LIFE Act.

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

In support of his application, the applicant submitted photocopies of two rejection notices from the Citizenship and Immigration Services' (CIS) Vermont Service Center and a third notice of action from the service center. The first rejection notice, dated May 20, 1996, informs the applicant that his letter and check are being returned because filing of motions on legalization cases is not allowed. The notice further explains that the information the applicant received instructing him that he could file the motion was in error. According to the notice, the applicant's application for legalization was previously denied. However, the notice lacks a reference Alien Registration Number (A-number) and does not have all of the information blocks completed. This lack of basic information raises serious questions about the authenticity of the letter.

The second rejection notice from the service center, dated November 2, 1994, indicates that the applicant's check/money order was being returned because the application he submitted does not require a fee. This notice also lacks a reference A-number, does not have

all of the information boxes complete and does not indicate what application the applicant had filed. As a result, there is nothing to indicate that the application the applicant filed was related to a claim for class membership. This notice is therefore of little or no probative value.

The notice of action, dated October 3, 1991, advises the applicant that his scheduled interview to determine his eligibility for class membership in *CSS/LULAC* was cancelled and would be rescheduled. However, this notice specifically refers to the applicant's Form I-687 Application for Status as a Temporary Resident and not the Form I-700 Application for Temporary Resident Status as a Special Agricultural Worker the applicant claims to have submitted. This notice is without an A-number and also does not have all of its information boxes completed. As a result, the reliability of the document is greatly reduced.

The applicant also presented a copy of a letter purportedly from INS (now CIS). This letter acknowledged receipt of a Form I-700 and informed the applicant that his fee receipt and interview appointment would be mailed to him within 90 days. However, there is nothing in the records to indicate that the applicant ever filed any application prior to submitting the current Form I-485 LIFE application.

On rebuttal to the notice of intent deny, the applicant submitted a statement in which he claimed that all of his CIS papers were burned in his attorney's office in the Twin Tower building on September 11, 2001. However, the applicant does not identify his attorney. In addition, the applicant has not provided a form G-28 Notice of Entry of Appearance as Attorney or Representative and there is no other reference to an attorney or representative in the record.

On appeal, the applicant submits a statement from Clifton Green. According to the affiant, he accompanied the applicant to the legalization office on November 10, 1987 to file his legalization application. Mr. Green claimed that the CIS officer denied the application because the applicant left the United States without permission. However, there is nothing in the record to support this claim. Furthermore, the applicant had previously provided evidence, albeit discredited evidence, in which he claims to have successfully filed a legalization application subsequent to that date.

The photocopied documents the applicant has submitted are incomplete, contradictory and not credible. 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.

Additionally, the applicant disclosed on his Form I-485 LIFE application and concurrent Form I-765 Application for Employment Authorization that he last entered the United States on September 27, 1985. In addition, on his Biographic Information Form G-325, the applicant indicated that he resided in Bangladesh until September 1985. 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. In his own words, the applicant did not begin residing in the United States in time to now qualify for permanent residence in the LIFE program.

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