

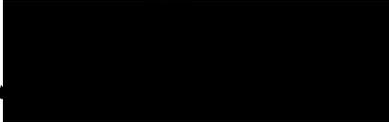
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U.S. Department of Homeland Security
Citizenship and Immigration Services

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identifying information related to
prevent identity theft/warrantless
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: NOV 19 2000

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 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, 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 as a class member is no longer in his possession as it was lost a few years ago.

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.

With his LIFE application, the applicant provided two supposed Form I-797 Notices of Action from the Vermont Service Center dated February 28, 1996 and May 23, 1996, respectively, informing the applicant that motions to reopen Legalization Appeals Unit (LAU) decisions must be filed with that office. He also furnished 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 an alleged notice dated November 18, 1988 from the New York City office acknowledging receipt of his application for special agricultural worker status.

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 August 10, 1987. On appeal, the applicant submitted photocopies of the following: an interview notice dated September 23, 1991, reflecting that the applicant was supposedly to be interviewed at the New York City office of Citizenship and Immigration Services (CIS) on March 9, 1992 regarding the question of his eligibility for class membership in CSS/LULAC; and a Legalization Front-Desking Questionnaire allegedly signed by the applicant on August 16, 1999.

However, while such documents could possibly be considered as evidence of having made a written claim for class membership, none of these submissions includes a CIS Alien Registration Number (A-number) for the applicant, as required in 8 C.F.R. 245.14(b). Nor is there any record of CIS having generated such notices. Furthermore, 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 all of them at the time he filed his LIFE application with CIS. Applicants were instructed to provide qualifying evidence with their applications.

As regards the photocopied notices allegedly sent to the applicant from the Vermont Service Center and the New York City office, not only do none of the notices include a A-number pertaining to the applicant, but not all of the pertinent information blocks have been completed. This lack of basic information raises serious questions about the authenticity of the notices. Moreover, while the notices make reference to applications previously submitted by the applicant, there is no specificity as to exactly which application the applicant had filed. In any case, as the records fail to indicate the applicant had filed any application with CIS prior to submitting his LIFE application, these photocopied notices are simply not credible.

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 further 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 May 1960 until July 1985. 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.