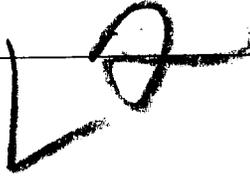


U.S. Department of Homeland Security

Citizenship and Immigration Services

**identifying data deleted to
prevent clearly 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: NOV 25 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, 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 reportedly died a couple of 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), *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.

Along with his LIFE application, the applicant also provided the following: 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; and a photocopy of an interview notice dated June 4, 1993, 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 in 8 C.F.R. 245.14(b). Nor is there any record of CIS having generated such notices.

The applicant also furnished photocopies of three rejection notices from the Citizenship and Immigration Services' (CIS) Vermont Service Center and a letter from CIS's Texas Service Center. The first rejection notice, 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 lacks

a reference Alien Registration Number (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 second rejection notice from the service center, 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 also lacks a reference 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 third rejection notice, dated March 1, 1996, also 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 and a subsequent appeal was dismissed by the Legalization Appeals Unit (now the AAO). The applicant also informs the applicant what steps are required if he wishes to file a motion on the dismissal of the appeal. Similarly, this notice also lacks a reference A-number and does not have all of the information blocks completed, and questions regarding its authenticity are raised.

CIS has no record of the applicant having filed a legalization application. Therefore, the photocopied notices referring to a motion to reopen a legalization matter cannot be deemed legitimate.

Subsequently, in response to the notice of intent to deny, the applicant submitted the following: a photocopied Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act (INA), which was purportedly signed by the applicant on February 18, 1988; and a Legalization Front-Desk Questionnaire allegedly signed by the applicant on February 10, 1999. 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.

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.

Moreover, on the applicant's G-325A Biographic Information Form, he indicated that he had resided in his native Bangladesh from January 1959 until September 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.