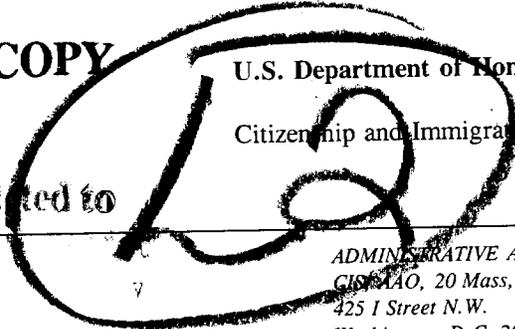


PUBLIC COPY

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

identifying
prevented
invasion of



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



007 10 2003

File:

Office: National Benefits Center

Date:

IN RE: Applicant: MIZAN RAHMAN

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 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 initially denied by the Director, Missouri Service Center and subsequently remanded by the Administration Appeals Office (AAO). The director's subsequent decision of denial has been certified to the AAO. This decision will be affirmed.

In both decisions, 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 from the initial denial, counsel submitted a brief in which he asserted that the applicant had filed a written claim for class membership to the Service (now Citizenship and Immigration Service, or CIS). Counsel submitted documentation in support of the appeal. The record shows that the applicant and his attorney were afforded the opportunity to submit evidence to supplement the appeal after the application had been denied for the second time. Counsel submits another brief that shall be incorporated into the appeal.

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.

With his LIFE Act application, on rebuttal, and on appeal the applicant provided documentation that may establish he filed a written claim for class membership before October 1, 2000. However, along with the application for LIFE Legalization, an alien must provide evidence establishing that he or she entered the United States before January 1, 1982, and resided in continuous unlawful status since that date through May 4, 1988. 8 C.F.R. § 245a.15(a).

The record contains a Form G-325A, Record of Biographic Information, dated March 4, 1992, which the applicant had previously submitted to CIS as part of a separate asylum

application. On the Form G-325A, the applicant specifically acknowledged that he had lived in Bangladesh since his date of birth on December 17, 1965 to December 1990, and that he began residing in the United States in January 1991. The record reflects that throughout the asylum and subsequent deportation proceedings, the applicant never claimed earlier residence in the United States. By the applicant's own admission, he did not reside in the United States during the requisite period from January 1, 1982 to May 4, 1988. Accordingly, 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.