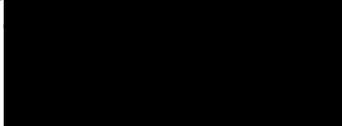


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U.S. Department of Homeland Security
Citizenship and Immigration Services

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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: MISSOURI SERVICE CENTER

Date: SEP 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).

PUBLIC COPY

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 F. 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 affirms his eligibility for permanent resident status under the LIFE Act as one who had previously filed 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 no longer resides in the U.S.

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 applicant failed to submit any documentation addressing this requirement at the time the application was filed or in rebuttal to the director's notice of intent to deny. On appeal, the applicant provides the following photocopied documents: a Form for Determining Class Membership in CSS v. Thornburgh (Meese) signed by the applicant on October 19, 1991; a Legalization Front-Desk Questionnaire signed by the applicant on March 3, 1999; a Form I-797 Notice of Action 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 Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was signed by the applicant on October 19, 1991.

The photocopied submissions provided by the applicant may be considered as evidence of having made a written claim for class membership, pursuant to 8 C.F.R. 245a.14(d). However, in this case, none of the documents in question include an A-number for the application; nor does the photocopied interview notice include the signature of any CIS officer. Moreover, the applicant fails to explain why, if he truly had these documents in his possession the entire time, they had not been submitted along with his LIFE



application or at least in rebuttal to the director's Notice of Intent to Deny. It is noted that applicants are directed to furnish qualifying evidence *with* their applications. The applicant's failure to submit the documents initially and later, on rebuttal, and his failure to explain why he did not, creates suspicion regarding the authenticity of the documents.

Finally, on the applicant's G-325A Biographic Information Form, he indicated that he had resided in his native Bangladesh from January 1965 until October 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, along with the credibility problem regarding his documentation, 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.