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Citizenship and Immigration Services

Identifying information related to
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ADMINISTRATIVE APPEALS OFFICE
CIS, AAO, 201 MASS, 3/F
425 I STREET, N.W.
Washington, D.C. 20536



SEP 26 2009

FILE: [REDACTED]

Office: MISSOURI SERVICE CENTER

Date:

IN RE: APPLICANT: [REDACTED]

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.

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. The 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 a rejection notice from the Citizenship and Immigration Services' (CIS) Vermont Service Center and a notice from the service center which instructed the applicant that his interview for class membership eligibility was cancelled. These documents are unreadable in some areas, do not have all of the information blocks completed, and lack a reference A-file number. Furthermore, the documents appear as if they have been photocopied numerous times and may have had information added to them.

On rebuttal to the notice of intent to deny, the applicant provided a Form for Determination of Class Membership in *CSS v. Thornburgh* (Meese) dated May 17, 1993. As the document is an original, completed in ink, it cannot be a copy of a document completed and submitted to CIS in 1993. It appears the document was recently completed and back-dated.

On appeal, the applicant submitted photocopies of a Form I-687 Application for Status as a Temporary Resident, another Form For

Determination of Class Membership in *CSS V. Thornburgh (Meese)*, both dated January 15, 1991, and a photocopy of a Legalization Front-Desking Questionnaire dated January 5, 1999. However, a check of CIS records and indices fails to establish that the Form I-687 and the other questionnaires had ever been filed with CIS. Moreover, the applicant does not explain why, if these documents were truly in his possession the entire time, he did not submit them with his LIFE application, as applicants were advised to provide evidence with their applications. This raises serious questions about the authenticity of this documentation that the applicant purportedly submitted to CIS.

Additionally, the applicant disclosed on his Form I-485 LIFE Application that he last entered the United States on June 22, 1985. In addition, on his Biographic Information Form G-325, the applicant indicated that he resided in Bangladesh until June 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.