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JUL 13 2004

FILE:

Office: NATIONAL BENEFITS CENTER

Date:

IN RE: Applicant:

PETITION: 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:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. 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, National Benefits Center. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant had not established 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 submits a separate statement in which he reaffirms his eligibility for permanent resident status under the LIFE Act as one who had filed a timely application for class membership in the CSS class-action lawsuit.

The applicant appears to be represented; however, the individual identified as representing the applicant is not authorized to do so under 8 C.F.R. § 292.1 or § 292.2. Therefore, the notice of decision will be furnished only to the applicant.

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) (CSS), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993) (LULAC), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993) (Zambrano). 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 application, the applicant submitted a photocopy of a completed Legalization Front-Desking Questionnaire. However, the legalization questionnaire submitted by the applicant is untimely, as it was signed by the applicant on *December 6, 2002*, which is *subsequent* to the *October 1, 2000* deadline for filing written claims for class membership. In addition, as noted by the director in his decision, the questionnaire lists *two* separate Alien Registration Numbers (or A-numbers). However, only *one* of those A-numbers had ever been assigned to the applicant. The applicant has not attempted to resolve, account for or address this significant discrepancy which, in turn, seriously diminishes the credibility of his supporting documentation.

Subsequently, in response to the director's notice of intent to deny, the applicant submitted a photocopy of a March 15, 1993 Notice of Action from the Immigration and Naturalization Service or the Service (now, Citizenship and Immigration Services or CIS) addressed to the applicant. The photocopied notice indicates that the Service had determined that the applicant had previously filed an application for class membership under the CSS class-action lawsuit. If authentic, this notice could possibly serve as evidence of a claim by the applicant for class membership in *CSS* prior to October 1, 2000.

In his decision, the director stated that the applicant's address as listed on the notice of action -- *558 Route 10 W., Whippany, New Jersey 07981* -- did not correspond to the applicant's address on file with CIS -- *37-68 97th Street, Apt. 4C, Corona, New York 11368*. In response, counsel submits evidence indicating that during the period from

February 20, 2003 (the date a tenant/landlord lease agreement was signed by the applicant) through October 21, 2003 (the issuance date of a Whippany, New Jersey Police Department records check), the applicant resided at the aforementioned Whippany, New Jersey address. It is also noted that the applicant's address listed on both his LIFE application as well as his G-325A Biographic Information Form corresponds to that listed on the photocopied Notice of Action. As such, counsel is correct as to the applicant's mailing address of record during the period in question. Nevertheless, as noted in the director's decision, there is no indication in CIS administrative or electronic data records that this photocopied notice of action was ever issued by CIS to the present applicant. The absence of any indication that the Notice of Action was ever sent by CIS to the applicant further undermines the already-diminished credibility of the applicant's claim and documentation.

The applicant has provided no additional documentation establishing his having filed a timely claim for class membership in CSS or any other legalization class-action lawsuit. Given this, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

It is further noted that an applicant for permanent resident status under section 1104 of the LIFE Act must establish entry into the United States before January 1, 1982 and continuous residence in the United States in an unlawful status since such date and through May 4, 1988. 8 C.F.R. § 245a.11(b). Included in the record is documentation pertaining to a Form I-589 Request for Asylum which was signed by the applicant in February 11, 1992. In his attached declaration, the applicant asserts that in 1981, he departed his native India for Saudi Arabia, where he remained until 1985 when he returned to India. The same declaration also makes reference to the applicant having encountered difficulties with militants in his native Punjab throughout the late 1980s, resulting in his decision to leave India on December 6, 1991. The applicant further indicated that, subsequent to his departure from India, his first arrival in the United States occurred on January 23, 1992. This arrival date is confirmed by a photocopied Form I-94 Arrival/Departure Record, which is also included in the record. Clearly, the applicant was not residing continuously in the United States from prior January 1, 1982 through May 4, 1988. Accordingly, he is ineligible for permanent residence under section 1104 of the LIFE Act on this basis as well.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.