



U.S. Citizenship  
and Immigration  
Services

62



FILE:



Office: National Benefits Center

Date:

**JUL 14 2004**

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).

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has 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

Identifiers are used to  
prevent clearly unwarranted  
invasion of personal privacy

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**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits 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 not all of his documents were available when he responded to the director's notice of intent to deny his application. He further states that claims for "CSS Class Membership" were submitted at least two different times, first on December 18, 1987 and finally on February 5, 1993. The applicant indicates that he is a true victim of the tragic incident of "9/11" as he lost most of his valuable documents related to his CSS case since those were stored at his lawyer's office that was located on the 67<sup>th</sup> floor of the former 2<sup>nd</sup> World Trade Center.

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.

Along with his LIFE application, the applicant provided the following:

- a photocopy of a Form I-687 Application for Status as a Temporary Resident under section 245A of the INA allegedly signed by the applicant on May 5, 1993;
- a photocopy of a "Legalization Front-Deskling Questionnaire," purportedly signed by the applicant on January 20, 1999 in which he asserted that he did not file an application for legalization under section 245A of the INA between May 5, 1987 and May 4, 1988 because the INS officer "denied to accept" his application for "his short absence in the United States." The applicant indicated that he tried to explain the emergency of his short absence, but the INS officer did not give him any opportunity to explain the cause of his short absence; and
- a photocopy of a Form for Determination of Class Membership in *CSS v. Thornburgh (Meese)* purportedly signed by the applicant on May 5, 1993.

Citizenship and Immigration Services (CIS), successor to the Immigration and Naturalization Service (INS), has no record of receiving the above three documents from the applicant until the instant LIFE application was filed

on March 10, 2003. To be eligible for permanent resident status under section 1104(b) of the LIFE Act the applicant must show that after failing to file a legalization application during the May 5, 1987 and May 4, 1988 period, he filed a claim for class membership in one of the legalization lawsuits sometime before October 1, 2000. The applicant has not furnished any evidence, such as a postal receipt or an acknowledgement letter from the INS, that the above forms were filed with the INS on a date before October 1, 2000. As indicated above, CIS has no record of receiving any of these three documents from the applicant until the instant LIFE application was filed in March 2003.

In response to the director's notice of intent to deny, the applicant explains that he has never been convicted for any offence in the United States or in any country of the world. He further explains "that no charge was framed against me in Charge # [REDACTED] Agency Case # [REDACTED] dated 12/28/02" which was cited by the director. The applicant submits a "receipt for fine" presumably from a New York criminal court for docket number [REDACTED] showing that he paid a fine of \$60 on December 28, 2002.

On appeal, the applicant submits the following additional documents:

- a photocopy of a second Form I-687 Application for Status as a Temporary Resident under section 245A of the INA allegedly signed by the applicant on December 18, 1987;
- a photocopied appointment notice from [REDACTED] of INS dated March 12, 1993 purportedly scheduling an interview with the applicant concerning an "Interview to determine subclass membership;"
- a photocopied Form I-797, Notice of Action, dated October 3, 1991 from the Vermont Service Center purportedly informing him that his scheduled interview to determine eligibility for class membership in CSS/LULAC was cancelled and would be rescheduled at an earlier date;
- a photocopy of a second "Legalization Front-Desking Questionnaire," purportedly signed by the applicant on May 5, 1993; and
- a photocopy of a letter that the applicant purportedly sent to the Central Office of the INS dated January 20, 1999 entitled "Claim for Class Membership as a CSS Group Member."

The applicant states that not all of his documents were available when he responded to the director's notice of intent to deny his application. He further states that he lost most of his valuable documents related to his CSS case since those were stored at his lawyer's office that was located on the 67<sup>th</sup> floor of the former 2<sup>nd</sup> World Trade Center. He does not explain how he was suddenly able to find the additional documents that he filed on appeal if most of his valuable documents related to his CSS case were lost when his attorney's office was destroyed on September 11, 2001.

The applicant does not explain *why*, if this second group of forms and notices were 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.

CIS has no record of sending the applicant the interview notice dated March 12, 1993 or the Form I-797 dated October 3, 1991. Additionally, CIS has no record of receiving the second Form I-687, the second Legalization Front-Desking Questionnaire, or the applicant's letter dated January 20, 1999 until the instant LIFE application was filed in March 2003, long after the statutory deadline to file a claim for class membership one of the legalization lawsuits.

The applicant has failed to submit documentation that credibly establishes that he filed a timely written claim for class membership in one of the aforementioned legalization class-action lawsuits. Accordingly, the applicant is ineligible for permanent resident status under section 1104 of the LIFE Act.

Section 1104(c)(2)(B)(i) of the LIFE Act provides that each applicant for permanent resident status must establish that he or she entered and commenced residing in the United States *prior to January 1, 1982*. On his G-325A Biographic Information Form that he completed on February 10, 2003, the applicant stated that he resided abroad until December 1987 when he first entered the United States from Bangladesh. Given the applicant's inability to meet the statutory requirement of residence in the United States since before January 1, 1982, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act for this additional reason.

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