



U.S. Citizenship
and Immigration
Services

LA

[REDACTED]

FILE:

Office: National Benefits Center

Date:

SEP 29 2004

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).

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 National Benefits Center. 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

identifying data deleted 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. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the record did not establish that the applicant applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000.

On appeal the applicant asserts that he filed a legalization front-desking questionnaire with the Immigration and Naturalization Service (INS) in January 2000, but that he "lost those documents including proof of filing from U.S. Postal Service." The applicant also submitted photocopies of some documents that were already in the record.

An applicant for permanent resident status under section 1104 of 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 one 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 section 1104(b) of the LIFE Act and 8 C.F.R. § 245a.10.

An applicant for permanent resident status under section 1104 of the LIFE Act must also establish that he or she entered the United States before January 1, 1982 and resided in this country continuously in an unlawful status from before January 1, 1982 through May 4, 1988. See section 1104(c)(2)(B)(i) of the LIFE Act and 8 C.F.R. § 245a.11(b).

As the director pointed out in his decision, Citizenship and Immigration Services (CIS), successor to the INS, has no record of receiving any communication from the applicant prior to the filing of the instant LIFE application in May 2003. CIS has no record of receiving the legalization front-desking questionnaire allegedly filed by the applicant in January 2000. The applicant has not furnished any evidence, such as an acknowledgement letter from the INS, that such a questionnaire was filed at that time. The photocopied documents resubmitted on appeal were discussed by the director in his decision. The applicant has not provided any further information about the documents for consideration in this appeal. In view of the fact that none of the documents were received by CIS before May 2003, the AAO agrees with the director's determination that the documents fail to establish that the applicant filed a claim for class membership in one of the legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, before October 1, 2000.

The AAO also notes that in the Form G-325A (Biographic Information) he filed along with his LIFE application in May 2003 the applicant declared that he resided in his native Bangladesh from 1964, the year of his birth, until August 1996. If that was the case, then the applicant does not meet the statutory criteria of having entered the United States before January 1, 1982 and having resided in this country continuously and unlawfully through May 4, 1988.

For the reasons discussed above, the applicant is ineligible for adjustment to permanent resident status under section 1104 of the LIFE Act.

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