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U.S. Department of Homeland Security

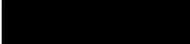
Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE  
CIS, AAO, 20 Mass, 3/F  
425 I Street, N.W.  
Washington, D.C. 20536



FILE: 

Office: NATIONAL BENEFITS CENTER

Date: DEC 29 2003

IN RE: Applicant:

JATIN PARSHOTAM

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:



INSTRUCTIONS:

Attached is the decision rendered on your appeal. 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.

A handwritten signature in cursive script, appearing to read "Robert P. Wiemann 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. It is now before the Administrative Appeals Office (AAO) 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 acknowledges that he did not apply for "life legalization," but asserts that he is seeking derivative status under the provisions of the LIFE Act because of his father's eligibility.

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 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*). In the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership in a legalization class-action lawsuit before October 1, 2000. See 8 C.F.R. § 245a.10.

The applicant's father, Krisna Parshotam, filed his own LIFE Act application, file no. A95 105 413, asserting that he was a class member in one of the above legalization class-action lawsuits, without specifying which. That application was denied for failure of the applicant to establish that he filed a written claim for class membership in one of the requisite lawsuits. Since there is no evidence that the applicant's father filed a claim for class membership in *CSS*, *LULAC*, or *Zambrano*, there is no legal basis for the applicant to assert derivative eligibility in this action under 8 C.F.R. § 245a.10.

Furthermore, 8 C.F.R. § 245a.11(b) requires the applicant to show that he entered the United States before January 1, 1982, and resided in this country continuously in an unlawful status through May 4, 1988. The record establishes that the applicant was born in Portugal on June 2, 1983. Accordingly, the applicant could not have resided unlawfully in the United States for the requisite time period to be eligible for legalization under the LIFE Act.

Given his inability to meet the requirements discussed above, 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.