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U.S. Department of Homeland Security  
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Washington, DC 20536



U.S. Citizenship  
and Immigration  
Services



FILE: [Redacted] Office: NATIONAL BENEFITS CENTER

Date: APR 23 2004

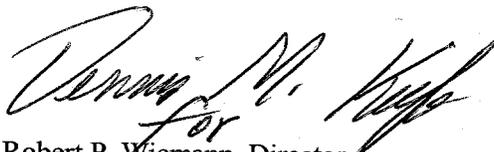
IN RE: Applicant: [Redacted]

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.

  
for  
Robert P. Wiemann, Director  
Administrative Appeals Office

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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, Missouri Service 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 the applicant had applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant asserts that he is applying for adjustment to permanent resident status under the LIFE Act as a derivative applicant based on his father's having filed a claim for class membership in the CSS legalization class-action lawsuit.

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.

In the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership before October 1, 2000. However, the applicant must establish that the family relationship existed at the time the spouse or parent initially attempted to apply for temporary residence (legalization) in the period of May 5, 1987 to May 4, 1988. See 8 C.F.R. § 245a.10.

The applicant has failed to submit any documentation indicative of having filed a timely claim for class membership in any of the aforementioned legalization class-action lawsuits. At item 2h. of his LIFE application, he indicated he was applying for permanent resident status under the LIFE Act as a *derivative* applicant based on his father's having applied for class membership in CSS. In support of this claim, the applicant submitted a statement in response to the notice of intent to deny, in which he indicated he was attaching a copy of his father's correspondence regarding his class membership in the CSS class-action lawsuit. However, a review of the record of proceedings fails to disclose the existence of such correspondence. Rather, in response to the notice of intent to deny, the applicant submitted a photocopy of a high school diploma awarded to him in June 2000. Neither this submission nor any of the documentation submitted by the applicant are indicative of his or his father's having filed a timely application for class membership. Nor is there any evidence in Citizenship and Immigration Services (CIS) records that the applicant's father has ever filed a written application for class membership. In fact, according to CIS data records, his father's LIFE application was denied, and the appeal was dismissed. As such, the applicant cannot claim class membership as a derivative alien pursuant to 8 C.F.R. § 245a.10.

Moreover, even if the applicant's father had, in fact, applied for class membership, 8 C.F.R. § 245a.11(b) requires each applicant to demonstrate that he or she entered the United States prior to *January 1, 1982*. As the applicant

was not born until *February 10, 1982*, he is unable to meet this requirement. Accordingly, he is ineligible for permanent resident status under section 1104 of the LIFE Act.

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