



U.S. Citizenship
and Immigration
Services

L-2



FILE: [Redacted]

Office: National Benefits Center

Date: AUG 04 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

PUBLIC COPY

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 that he or his father, through whom he is seeking derivative LIFE legalization, applied for class membership in any of the requisite class-action lawsuits prior to October 1, 2000.

On appeal, the applicant relies on the brief submitted by his father, [REDACTED] in his related appeal. The applicant asserts that his father filed a timely claim for class membership in the *LULAC* class-action lawsuit, *infra*, and that he is entitled to LIFE legalization derivatively through him.

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.

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, as long as the family relationship existed at the time the spouse or parent initially attempted to apply for legalization during the original filing period of May 5, 1987 to May 4, 1988. 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.

For the reasons discussed in the companion decision being issued on the applicant’s father’s appeal, which is likewise being dismissed by the AAO, the record fails to establish that the applicant’s father filed a claim for class membership in *LULAC*, or either of the other two legalization lawsuits, prior to October 1, 2000. Nor does Citizenship and Immigration Services, successor to the Immigration and Naturalization Service, have any record that the applicant filed a claim for class membership in his own right. Thus, the record fails to establish that the applicant or his father filed a claim for class membership before October 1, 2000 in *LULAC*, or either of the other legalization lawsuits, *CSS* or *Zambrano*, as required under section 1104(b) of the LIFE Act.

Furthermore, under section 1104(c)(2)(B)(i) of the LIFE Act an applicant must establish that he or she entered the United States before January 1, 1982 and resided in this country continuously in an unlawful status through May 4, 1988. The record indicates that the applicant was born in Colombia on August 18, 1989. Therefore, he could not have entered the United States before January 1, 1982 and resided in this country unlawfully for the requisite time period through May 4, 1988.

For the reasons discussed above, the applicant 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.