



U.S. Citizenship
and Immigration
Services

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FEB 24 2004

FILE:

Office: National Benefits Center

Date:

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 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

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 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 asserts (a) that he was applying for LIFE legalization as a beneficiary of his father, who entered the United States illegally in February 1980, (b) that his father filed a claim for class membership in the *LULAC* lawsuit, *infra*, in February 1992, (c) that his father had earlier, in December 1990, filed an application for legalization (amnesty) under the Immigration Reform and Control Act of 1986 (“IRCA”), and (d) that his father submitted a Legalization Front-Desking Questionnaire to the Vermont Service Center in January 2000 asserting that he had never received a reply to his 1990 application under IRCA. The applicant submitted some documentation with his appeal, some of which was already in the record and some of which is new.

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) (“CS”), *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. See 8 C.F.R. § 245a.10. As defined in the regulation, the term “eligible alien” includes not only an alien who filed the requisite written claim for class membership before October 1, 2000, but also the spouse or child of such alien (at the time, back in 1987-88, of the alien’s attempted filing of a legalization application during IRCA’s original application period). *Id.* To qualify as an “eligible alien,” in other words, a LIFE Act applicant must establish that the spouse or parent through whom derivative eligibility is being asserted filed the requisite written claim for class membership in *CSS*, *LULAC*, or *Zambrano*. In addition, the applicant must meet the other requirements for eligibility under the LIFE Act.

The applicant asserts on appeal that his father, [REDACTED] filed a timely claim for class membership in *LULAC*, and that he is eligible for LIFE legalization through his father. As indicated in the director’s decision, the Missouri Service Center found no evidence that the applicant’s father had filed a claim for class membership. The AAO need not address this issue further on appeal, however, because it is clear from the record that the applicant fails to meet another statutory requirement for eligibility. In a Form G-325, Biographic Information, signed by the applicant and dated May 31, 2002, the applicant stated that he lived in Colombia from his birth in September 1978 until November 1996. This information was confirmed in a declaration by the applicant’s father, dated November 15, 2002, stating that the applicant first visited the United States in January 1987 and did not come to live in this country until November 11, 1996. To be eligible for legalization under the LIFE Act, however, an alien (including a spouse or child claiming derivative eligibility) must establish that he or she entered the United States before January 1, 1982 and resided in this country unlawfully from January 1, 1982 through May 4, 1988. See section 1104(c)(2)(B)(i) of the LIFE Act. The applicant obviously does not satisfy this statutory requirement.

Because he did not enter the United States before January 1, 1982 and did not reside in this country unlawfully for the requisite time period of January 1, 1982 through May 4, 1988, 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.