

PUBLIC COPY

U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

**Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy**



**U.S. Citizenship
and Immigration
Services**



L2

FILE:  Office: NATIONAL BENEFITS CENTER

NOV 18 2004
Date:

IN RE: Applicant: 

PETITION: 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. All documents have been returned to the office that originally decided your case. 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, National Benefits Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director concluded the applicant had not established that she 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 that she is eligible for permanent resident status under the LIFE Act on a derivative basis as a result of her parents having filed a claim for class membership.

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). See 8 C.F.R. § 245a.10.

That same regulation provides that, 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.

At the time the application was filed, the applicant failed to submit any documentation establishing that she had ever filed a written claim for class membership before October 1, 2000. On her LIFE application, the applicant indicated she was applying for LIFE legalization along with her parents. The applicant also submitted a photocopy of a notice dated May 15, 1990 reflecting that her father was to be interviewed on May 16, 1990 at the Los Angeles Legalization Office of the Immigration and Naturalization or INS (now, Citizenship and Immigration Services or CIS) regarding the question of his eligibility for class membership in the CSS or LULAC class-action lawsuits. In addition, the applicant provided a photocopied a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, which was completed and signed by the applicant's father on February 10, 1990.

The aforementioned photocopied documents pertaining to her father, which were provided by the applicant along with her application, could possibly be considered as evidence of her father having made a written claim for class membership, pursuant to 8 C.F.R. § 245a.14(d). However, even if the applicant's father were determined to have been a class member, a review of the record of proceedings discloses the applicant was born on *May 29, 1989*. As such, the requisite relationship to her father did not exist when and if her father may have attempted to apply for legalization during the requisite legalization application period from May 5, 1987 to May 4, 1988. Therefore, the applicant cannot derive status from her father under section 1104 of the LIFE Act.

Moreover, 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*. Given the applicant's inability to meet this requirement by reason of her date of birth, she 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.