

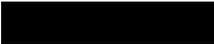


U.S. Citizenship  
and Immigration  
Services

L2



FILE:



Office: Dallas, Texas

Date:

JUN 01 2004

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:

identifying...  
prevent identity...  
invasion of...

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

PROBILAC COPY

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director in Dallas, Texas, on May 5, 2003. On July 23, 2003 the District Director sent the applicant an Amended Notice "to afford you one last opportunity to submit evidence in support of your application." The District Director issued a second decision on December 18, 2003, denying the application again. The matter is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The District Director concluded that the applicant failed to establish that she entered the United States before January 1, 1982 and resided in this country continuously through May 4, 1988.

On appeal, the applicant states that she has been residing in the United States since she was in second grade and asserts that she qualifies for LIFE legalization as a beneficiary of her father, [REDACTED], who also filed a LIFE application.

To be eligible for permanent resident status under section 1104 of the LIFE Act, an alien 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.

An alien applying for permanent resident status under section 1104 of the LIFE Act must also establish that he or she entered the United States before January 1, 1982 and resided in this country in an unlawful status continuously through May 4, 1988. See section 1104(c)(2)(B)(i) of the LIFE Act and 8 C.F.R. § 245a.11(b).

As defined in the regulation, an "eligible alien" includes the spouse or child of an applicant for LIFE legalization who attempted to file a legalization application during the original filing period (in 1987-88, under section 245A or the Immigration and Nationality Act), providing the family relationship existed at that time. See 8 C.F.R. § 245a.10.

The applicant asserts on appeal that because her father filed his own application under the LIFE Act that she automatically qualifies for permanent resident status through him. The record does not establish the father's eligibility for permanent resident status in any event. Even if it did, however, the applicant would not be eligible for permanent resident status simply because her father applied. It is clear from the regulations that every "eligible alien" – *i.e.*, not only the original applicant but also any spouse or child of that applicant – must establish that "[h]e or she entered the United States before January 1, 1982, and resided continuously in the United States in an unlawful status since that date through May 4, 1988." 8 C.F.R. § 245a.11(b).

The applicant acknowledges that she did not enter the United States until April 19, 1989. Thus, she did not enter the United States before January 1, 1982 and reside in this country continuously in an unlawful status through May 4, 1988, as required by the statute, section 1104(c)(2)(B)(i) of the LIFE Act, and the regulations, 8 C.F.R. § 245a.10 and 11(b).

Accordingly, 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.