

Administrative Appeals Office
Department of Homeland Security
Privacy Act of 1974



U.S. Citizenship
and Immigration
Services

10

[Redacted]

JUN 8 2004

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

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.

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 (AAO) on appeal. The appeal will be dismissed.

The director concluded that the applicant had not established that she 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 submits a separate statement in which she asserts that the information she has provided should establish her eligibility for adjustment to permanent resident status under the LIFE Act.

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 failed to submit any documentation indicative of her having filed a timely claim for class membership in any of the aforementioned legalization class-action lawsuits. Instead, she submitted documentation pertaining to her father, indicating in response to the notice of intent to deny that she is applying as a derivative applicant based upon her father's having filed a claim for class membership in the CSS legalization class-action lawsuit. This documentation includes the following:

- a photocopy of an unfiled Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, signed by the applicant's father on December 15, 1990; and
- a photocopy of a LULAC Class-Member Declaration signed by the applicant's father on December 26, 1990.

However, a review of Citizenship and Immigration Services (CIS) administrative and electronic data records fails to disclose that these documents were ever received by CIS or that the applicant's father has ever filed a timely written application for class membership. As such, the applicant cannot claim class membership as a derivative alien pursuant to 8 C.F.R. § 245a.10.

The applicant has failed to provide evidence establishing that she or her father filed a written claim for class membership in any of the aforementioned legalization class-action lawsuits prior to October 1, 2000. 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.