

PUBLIC COPY



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

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



ha

FILE:



Office: NATIONAL BENEFITS CENTER

JUN 16 2004
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. 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, Missouri Service Center. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the record did not establish the applicant had applied for class membership in one 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 applying for adjustment to permanent resident status under the LIFE Act as a derivative applicant based on her assertion that her mother had previously filed a claim for class membership.

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), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). 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.

In response to the notice of intent to deny and, subsequently, on appeal, the applicant asserted that she was applying for adjustment to permanent resident status under the LIFE Act as a derivative applicant based on her mother's having previously filed a claim for class membership in CSS. In support of this assertion, the applicant submitted, along with her LIFE application, a photocopy of a letter dated September 13, 2000 from the applicant's mother. This letter, supposedly sent to former Attorney General Reno, requested that the applicant's mother be registered in the CSS case.

Pursuant to 8 CFR § 245a.10, a *written claim for class membership* means a filing, in writing, in one of the forms listed in § 245a.14 which provides the Attorney General with notice that the applicant meets the class definition in the cases of *CSS*, *LULAC* or *Zambrano*. This letter to former Attorney General Janet Reno, however, does *not* constitute a such a "form" and does not equate to the actual forms listed in 8 CFR § 245a.14, although that regulation also states other "relevant documents" may be considered. However, the very brief letter does not even begin to imply that the applicant could qualify for CSS class membership because it does not provide any relevant information upon which a determination could be made. It must also be noted that the applicant's mother is one of many aliens who furnished such identically-worded letters in the same typeface (virtually all dated from September 14th to September 25th, 2000) with their LIFE applications, all of which were prepared by Professional Tax Service, Santa Maria, California. In addition, none of these aliens have provided any evidence, such as postal receipts, which might help demonstrate that the letters were actually sent to the Attorney General. Given the importance of the letters, it would be reasonable to conclude that at least some of the aliens would have sent them via certified or registered mail.

Furthermore, there is no evidence in Citizenship and Immigration Services (CIS) administrative or electronic records that the applicant's mother had ever filed a 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 submit documentation establishing that either she or her mother filed a timely written claim for class membership in CSS or any other legalization class-action lawsuit. Moreover, even if it *had* been determined that the applicant's mother filed a timely claim for class membership, 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*. According to the applicant's LIFE application, she was not born until *December 30, 1991*. Accordingly, she is unable to meet this requirement. The applicant is, therefore, 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.