



U.S. Citizenship
and Immigration
Services

USA



FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

Date: JUN 18 2004

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 office that originally decided your case. If your appeal was sustained, or if your case 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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was initially denied by the Director, Missouri Service Center. The matter was subsequently reopened and denied again by the Director, National Benefits Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The directors both concluded 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 from the initial denial, the applicant indicated that he was applying for permanent residence under the LIFE Act because he derived status as a result of his father's eligibility.

The record shows that subsequent to the reopening of the case, the applicant was afforded the opportunity to submit additional material to supplement the appeal. However, as of the date of this decision, the applicant has failed to submit any additional material in support of his appeal. Therefore, the record shall be considered complete.

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 neither claimed nor documented that he filed a timely claim for class membership in any of the aforementioned legalization class-action lawsuits with his initial LIFE Act application. Rather, the applicant indicated that he is applying as a derivative applicant based upon her father having filed a claim for class membership in one of the requisite legalization class-action lawsuits. However, the applicant has failed to submit any documentation demonstrating that his father filed a timely claim for class membership. Furthermore, a review of Citizenship and Immigration Services (CIS) administrative and electronic data records fails to disclose any evidence to establish that the applicant's father has ever filed a timely written application for class membership. Rather, the record shows that the applicant's father's LIFE Act application was denied by CIS on August 21, 2002, because the applicant's father failed to respond to request for additional evidence in support of his LIFE Act application and his respective claim to class membership. As such, the applicant cannot claim class membership as a derivative alien pursuant to 8 C.F.R. § 245a.10.

The record reflects all appropriate indices and files were checked and it was determined that the applicant had not applied for class membership. Such check included a separate CIS Administrative file or A-file, [REDACTED] Record of Deportable Alien, into which the LIFE Act application has now been consolidated. Given his failure to document that he timely filed a written claim for class membership, the applicant 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.