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U.S. Department of Homeland Security
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Washington, DC 20536



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



FILE: [Redacted]

Office: NATIONAL BENEFITS CENTER

MAR 03 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 National Benefits Center. 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.

Robert P. Wiemann
for

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, and is now before the Administrative Appeals Office (AAO) 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 indicates that she had derivative benefits under the provisions of the LIFE Act because her father applied for class membership in the Catholic Social Services, Inc., legalization class-action lawsuit. The applicant further indicates that she is submitting a copy of correspondence to show that her father is a class member.

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. 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.

The regulations provide an illustrative list of documents that an applicant may submit to establish that he or she filed a written claim for class membership before October 1, 2000. Those regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

The applicant did not submit any relevant document. With her application for permanent residence under the LIFE Act, in response to the notice of intent to deny, and now on appeal, the applicant has continuously asserted she had derivative benefits under the provisions of the LIFE Act because her father applied for class membership in the CSS legalization class-action lawsuit and that she was providing a copy of correspondence that would establish that her father was a CSS class member. However, a review of the record of proceedings reveals that the applicant has never submitted a copy of the alleged correspondence demonstrating that her father was a CSS class member. Furthermore, it must be noted that the applicant's father, [REDACTED] file number [REDACTED] filed a LIFE Act application that was denied by the director because he failed to credibly document that he filed a written claim for class membership in one of the requisite legalization class-action lawsuits. The record shows that the applicant's father filed an appeal to the denial of his LIFE Act application, and this appeal was dismissed by the AAO.

Furthermore, 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. The applicant cannot have begun residing in the United States before January 1, 1982, because she was born on June 24, 1988.

Given her inability to meet these requirements, 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.