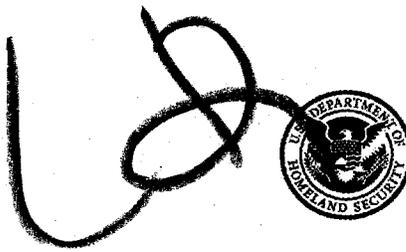


U.S. Department of Homeland Security
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Washington, DC 20536

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



FILE: [Redacted] Office: NATIONAL BENEFITS CENTER

MAR 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 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 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, the applicant reaffirms his eligibility for permanent resident status under the LIFE Act as one who is the beneficiary of an approved relative petition. The applicant submits documentation in support of his appeal.

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. 8 C.F.R. § 245a.10.

The applicant neither claimed nor documented that he filed a written claim to class membership. Citizenship and Immigration Services records do not provide any indication that the applicant applied for class membership. Given his failure to even claim, much less document, that he filed a written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

The applicant indicates that he is eligible for permanent resident status under the LIFE Act as one who is the beneficiary of an approved relative petition. The record shows that the applicant is the beneficiary of an approved relative visa petition under section 203(a)(4) of the Immigration and Nationality Act (INA), as such petition was submitted on his behalf by his brother, a naturalized United States citizen. However, as cited above, an applicant can only gain derivative status through a parent or spouse, rather than a sibling, under section 1104 of the LIFE Act. Only determinations under that section are appealable to this office. While an alien who is the beneficiary of an approved relative petition may be eligible for relief and benefits under section 1102 and 1103 of the LIFE Act, such determinations are not within the jurisdiction of this office. Nevertheless, it must be noted that eligibility under section 1102 of the LIFE Act is based upon the fact that an alien is the beneficiary of an approved relative visa petition under section 203(a)(2)(A) of the INA, as the spouse or child of a legal permanent resident of the United States. Furthermore, eligibility under section 1103 of the LIFE Act is based upon the fact that an alien is the beneficiary of an approved relative visa petition under section 201(b)(2)(A)(i) of the INA, as the spouse or child of a United States citizen. As such, the applicant is ineligible for permanent residence under sections 1102 and 1103 of the LIFE Act as well.

ORDER: The appeal is dismissed. This decision constitutes a final notice of ineligibility.