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U.S. Citizenship
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Services

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MAR 23 2004

FILE:



Office: National Benefits Center

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. 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. The matter is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant had not established that he or his parents had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000. Accordingly, the application was denied.

On appeal, the applicant asserts that "I qualify for the 245(i) provision of the LIFE Act." The applicant indicates that his father, [REDACTED] is an "amnesty recipient," refers to a Form I-130 relative petition filed on the applicant's behalf by his father, and says that he has a priority date of July 20, 1992 "which is coming up soon."

An applicant for permanent resident status under section 1104 of 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 one 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 section 1104(b) of the LIFE Act and 8 C.F.R. § 245a.10. Alternatively, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership in one of the legalization lawsuits before October 1, 2000. See 8 C.F.R. § 245a.10.

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 does not assert in his LIFE application (Form I-485), or anywhere else in the record, that he or his parents filed a written claim for class membership in any of the three legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*. No documentary evidence of any such claim has been submitted by the applicant, and there is no record at Citizenship and Immigration Services (formerly the Immigration and Naturalization Service) that a claim for class membership was filed by the applicant or either of his parents.

Section 245(i), cited by the applicant on appeal, is a part of the Immigration and Naturalization Act that was slightly modified by section 1502 of the LIFE Act. It does not relate to the Late Legalization provisions enacted in section 1104 of the LIFE Act. The I-130 petition, also mentioned in the appeal, provides an avenue for an unmarried child under the age of 21 of a legal permanent resident (like the applicant's father) to adjust status. The I-130 petition of the applicant's father was approved by the INS in 1992, when the applicant was 18 years old. However, the applicant's priority date (July 20, 1992) was not reached before he turned 21 years old in 1995. At that point in time, therefore, the applicant was no longer eligible to adjust status based on the I-130 approval. If either or both of the applicant's parents have become U.S. citizens since 1995, the applicant may again be eligible to adjust status through them even though he is over 21 years of age. Under section 1104 of the LIFE Act, however, eligibility for adjustment of status hinges on having filed a claim for class membership in one of the requisite legalization lawsuits before October 1, 2000. There is no evidence that the applicant or his parents filed any such claim.

Thus, the record fails to establish that the applicant or his parents filed a written claim for class membership in one of the requisite legalization lawsuits, *CSS*, *LULAC*, or *Zambrano*, before October 1, 2000, as required for the applicant to be eligible for legalization under section 1104(b) of the LIFE Act.

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.