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

FILE:

Office: National Benefits Center

Date: **MAR 25 2004**

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:

**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, 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 that the applicant's father, through whom she asserts derivative eligibility, 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 asserts that she is a class member in the CSS and LULAC lawsuits, *infra*, based on the application of her father, [REDACTED]. The applicant asserts that her father received an interview notice in 1991 relating to his application for class membership in LULAC. She also submits two letters from the Vermont Service Center, both dated February 28, 2001, denying her father's (1) application for employment authorization and (2) claim seeking adjudication of his application for legalization benefits under section 245A of the Immigration and Nationality Act.

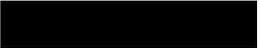
An applicant for permanent resident status under section 1104 of the LIFE Act must establish that before October 1, 2000, he or she filed a written claim with the Attorney General for class membership in one of the following legalization class-action lawsuits: *Catholic Social Services, Inc. v. Meese*, 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. In the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership in a legalization class-action lawsuit 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.

Neither of the documents submitted by the applicant on appeal establishes that the applicant's father filed a claim for class membership in CSS or LULAC prior to October 1, 2000. As discussed in the separate decision the AAO is issuing in that case [REDACTED] the questionnaire submitted by the applicant's father to the Vermont Service Center, on which his claim for class membership in CSS and/or LULAC is based, was dated October 27, 2000. Since that was after the statutory deadline of October 1, 2000, for purposes of the LIFE Act it cannot constitute a timely claim for class membership in CSS or LULAC. Though the applicant mentions a 1991 interview notice to her father relating to LULAC, no such document has been submitted by the applicant. Her father's file likewise contains no such document. In short, neither the applicant nor her father has established that a claim for class membership was filed before October 1, 2000 in one of the requisite legalization lawsuits. Accordingly, the applicant cannot claim derivative eligibility for LIFE Act legalization through her father.

Furthermore, section 1104(c)(2)(B)(i) of the LIFE Act requires that an applicant have entered the United States before January 1, 1982, and resided in this country continuously in an unlawful status through May 4, 1988. The record indicates that the applicant was born in Haiti on May 19, 1984. Therefore, she could not have entered the United States before January 1, 1982 and resided in this country unlawfully for the requisite time period to be eligible for legalization under the LIFE Act.

For the reasons discussed above, 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.