



U.S. Citizenship  
and Immigration  
Services

L2

MAY 11 2004

FILE: [REDACTED] Office: NATIONAL BENEFITS CENTER Date:

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

**PUBLIC COPY**

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director  
Administrative Appeals Office

**ADMITTED FOR PERSONAL USE ONLY**

**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 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 states he has submitted documentation establishing that he had requested class membership. The applicant asserts the denial notice lacks specificity.

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 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*). 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 applicant failed to submit any documentation addressing this requirement when the application was filed. In response to a Notice of Intent to Deny issued on October 16, 2002, the applicant asserted that he has derivative status under the provisions of the LIFE Act because of his mother's eligibility. The applicant submitted a copy of his school transcripts from October 1999 through June 2001.

On appeal, the applicant claims that he provided information regarding his request for class membership, but has not been given any specifics as to why his application was denied. The Notice of Decision issued by the center director clearly indicated that the application was being denied because none of the documentation provided by the applicant or on record with the Immigration and Naturalization Service, now Citizenship and Immigration Service (CIS) established that a timely claim for class membership had been filed by his parent in one of the requisite legalization class action lawsuits.

Given his inability to meet this requirement, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

Beyond the decision of the director, it must be noted that the applicant indicated on his Form I-485 LIFE Application that he last entered the United States in November 1993. Pursuant to 8 C.F.R. § 245a.31(b), each applicant must demonstrate that he or she entered the United States prior to December 1, 1988. Throughout the application process, the applicant has not presented any evidence of an earlier entry into the United States. As the appeal will be dismissed on the grounds discussed above, this issue need not be examined further.

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