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U.S. Department of Homeland Security
20 Mass. Rm. A3042, 425 I Street, N.W.
Washington, DC 20529



U.S. Citizenship
and Immigration
Services



FILE: [Redacted] Office: NATIONAL BENEFITS CENTER Date: 11/14/14

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, Director
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was initially denied by the Director, Missouri Service Center. The matter was subsequently reopened and denied again by the Director, National Benefits Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The directors both 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 from the initial denial, the applicant indicated that he believed he is eligible for permanent resident status under the LIFE Act because his father's application for temporary resident status as a special agricultural worker (SAW) under section 210 of the Immigration and Nationality Act (INA) had been approved over ten years ago.

The record shows that subsequent to the reopening of the case, the applicant was afforded the opportunity to submit additional material in support of the appeal. The applicant subsequently submitted documentation to supplement his appeal, and, therefore, such documentation shall be incorporated into his appeal and discussed below.

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.

A review of Immigration and Naturalization Service, or the Service (now Citizenship and Immigration Services, or CIS) records reveals that as of the date of this decision, the applicant's father is a lawful permanent resident of the United States because his SAW application for temporary residence had been previously approved on December 1, 1990. As such, the applicant's father would have had no reason to file a claim to class membership in any of the requisite legalization class-action lawsuits. Therefore, the applicant cannot gain derivative status under the provisions of the LIFE Act as his father never filed a written claim to class membership.

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 father, a legal permanent resident of the United States. However, as noted in the Service approval notice dated May 14, 1992 that was provided by the applicant, he was ineligible to adjust status because he had not been assigned a priority date. Furthermore, the record shows that as of the date of this decision, the applicant has not yet been assigned a priority date, and is both unmarried and over the age of twenty-one. 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 unmarried child under the age of twenty-one 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 unmarried child under the age of twenty-one 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.