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U.S. Citizenship
and Immigration
Services

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[Handwritten Signature]
MAY 21 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.

[Handwritten Signature]

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. 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 the applicant had applied for class membership in one of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant submits a separate statement in which she asserts that her entire family had applied for class membership under LULAC, and indicates she is submitting evidence regarding her brother's having filed under that class-action lawsuit.

Although a Notice of Entry of Appearance as Attorney or Representative (Form G-28) has been submitted, the individual and organization providing the notice on the applicant's behalf is not authorized under 8 C.F.R. § 292.1 or § 292.2 to represent the applicant. Accordingly, this decision will be furnished to the applicant only.

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. See 8 C.F.R. § 245a.10.

The applicant failed to submit any documentation indicative of her having filed a timely claim for class membership in any of the aforementioned legalization class-action lawsuits. On appeal, she asserts that her brother had previously filed an application for class membership under LULAC, and submits documentation in support of this assertion. This documentation consists of a photocopy of an appointment or interview notice pertaining to her brother's having filed a Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act on May 4, 1988. In addition, the applicant submits a photocopy of her brother's Permanent Resident Card. Upon examination, this documentation relates to an application for legalization filed by the applicant's brother during the May 5, 1987 to May 4, 1988 filing period. Based on the photocopied Permanent Resident Card, it appears her brother's legalization application was subsequently granted. Nevertheless, contrary to the applicant's assertion on appeal, this documentation has no applicability or relevance to the filing of an application for class membership under LULAC.

There is no indication in the record that the applicant's brother had ever filed a timely claim for class membership in LULAC or any other class-action lawsuit. As such, the applicant cannot claim class membership as a derivative alien pursuant to 8 C.F.R. § 245a.10 based on her brother's status. Nor has the applicant provided any

evidence establishing that she had ever filed a timely claim for class membership. 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.