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U.S. Citizenship
and Immigration
Services



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MAY 25 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. 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 he asserts that the information he has provided should establish his eligibility for adjustment to permanent resident status under the LIFE Act.

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 his having filed a timely claim for class membership in any of the aforementioned legalization class-action lawsuits. Instead, he submitted documentation pertaining to his father, indicating in response to the Notice of Intent to Deny that he is applying as a derivative applicant based on his father's having filed a claim for class membership in the CSS legalization class-action lawsuit. This documentation includes the following:

- a photocopied an unfiled Form I-687 Application for Status as a Temporary Resident under Section 245A of the Immigration and Nationality Act, signed by the applicant's father on December 15, 1990; and
- a photocopy of a LULAC Class-Member Declaration signed by the applicant's father on December 26, 1990.

However, a review of Citizenship and Immigration Services (CIS) administrative and electronic data records fails to disclose that these documents were ever received by CIS or that the applicant's father has ever filed a timely written application for class membership. Moreover, the record indicates the applicant was born on *September 20, 1988*. As such, the requisite relationship to his father did not exist when and if his father may have attempted to apply for legalization during the requisite period from May 5, 1987 to May 4, 1988. Therefore, even if the applicant's father were to have filed a timely application for class membership, the applicant cannot derive status from his father under section 1104 of the LIFE Act.

Moreover, 8 C.F.R. § 245a.11(b) requires each applicant to demonstrate that he or she entered the United States prior to *January 1, 1982*. Given the applicant's inability to meet this requirement by reason of his date of birth, he is ineligible for permanent residence under section 1104 of the LIFE Act.

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