



U.S. Citizenship  
and Immigration  
Services

12

[Redacted]

FILE: [Redacted] Office: PHOENIX Date: [Redacted]

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:

[Redacted]

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

[Faint, illegible text]

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director, Phoenix, Arizona, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The district director denied the application because the applicant had not demonstrated that she had continuously resided in the United States in an unlawful status since before January 1, 1982.

On appeal, counsel argues that there is no requirement for the applicant to show continuous physical presence in the United States from January 1, 1982 to May 1988 as she is a derivative beneficiary and not a principal applicant. Counsel claims that the only requirement is for the applicant to have entered the United States on or before November 1988.

Counsel's argument is moot as he is referring to the provisions of the Family Unity Program of which the applicant did not apply. 8 C.F.R. § 245a.31 and 8 C.F.R. § 245a.33.

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*). See 8 C.F.R. § 245a.10. That same regulation provides that, 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. The applicant, however, 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.

As the applicant was born on January 4, 1988, a requisite relationship to her parent did exist when the parent may have attempted to apply for legalization during the May 5, 1987 through May 4, 1988 period. Therefore, the applicant could derive status from her parent under section 1104 of the LIFE Act. However, the basic statutory requirement must still be met.

The regulation at 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 her inability to meet this requirement, the applicant 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.