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U.S. Citizenship  
and Immigration  
Services

[Redacted]

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

NOV 10 2003

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

NOV 10 2003

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits 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 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, the applicant indicates that he is seeking derivative status under the provisions of the LIFE Act because of his father's eligibility. The applicant asserts that his father was front-desked during the relevant time period.

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 regulations provide an illustrative list of documents that an applicant may submit to establish that he or she filed a written claim for class membership before October 1, 2000. Those regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

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 9, 2002, counsel submitted a statement indicating that the applicant's father submitted a Form I-687 application and legalization questionnaire to the Nebraska Service Center in January 1995. Counsel asserts that the applicant is eligible for the benefit being sought because he was a minor at the time his father filed his legalization claim under section 245(a) of the Immigration and Nationality Act (the Act). Counsel provided copies of a Legalization Front-Desking Questionnaire and a Form I-687 application allegedly signed by the applicant's father on January 25, 1999. However, counsel provides no explanation whatsoever as to why, if the applicant truly had these documents in his possession the entire time, he did not submit them with his LIFE application. Applicants were instructed to provide qualifying evidence with their applications and the applicant did include other supporting documentation with his LIFE Act application.

Though counsel asserted that the father applied for class membership in *CSS* sometime in January 1995, there is no record of the legacy Immigration and Naturalization Service, now Citizenship and Immigration Services receiving the questionnaire or the Form I-687 application. Therefore, the applicant cannot qualify for permanent residence under the LIFE Act.

Given his 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.