



U.S. Citizenship
and Immigration
Services



L2

FILE:



Office: NATIONAL BENEFITS CENTER

Date: MAR 14 2005

MSC-04-034-61456

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:



PUBLIC COPY

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.

A handwritten signature in black ink, appearing to read "Robert P. Wiemann".

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, reopened, and denied again by said Director. The matter is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director initially 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 mother's eligibility.

The director, in denying the application again, concluded that the applicant had failed to demonstrate that he entered the United States prior to January 1, 1982.

The applicant has neither addressed the subsequent decision nor provided any evidence to overcome the director's findings.

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. 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.

In response to a Request for Additional Evidence issued on March 9, 2004, the applicant submitted a copy of his birth certificate, which revealed his date of birth as September 4, 1984. As the applicant was born in 1984, the requisite relationship to his 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 his 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 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.