

Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

42

PUBLIC COPY



FILE: [REDACTED]
MSC 03 087 60204

Office: NATIONAL BENEFITS CENTER

Date: APR 10 2006

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: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the office that originally decided your case. If your appeal was sustained, or if your case 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, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director concluded the applicant had not established that she 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's father submits a statement in which he indicates that his daughter is eligible to adjust to permanent residence under the provisions of the LIFE Act because he had applied for class membership in one of the requisite legalization class action lawsuits. The applicant includes copies of previously submitted documents, as well as a new document in support of her father's claim that he applied for class membership prior to October 1, 2000.

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.

As the applicant was born on October 24, 1984, the requisite relationship to her parent existed when her father may have attempted to apply for legalization in the May 5, 1987 to May 4, 1988 application period. Therefore, it is possible for the applicant to derive status from her parent under section 1104 of the LIFE Act.

The applicant submitted documentation relating to her father's purported attempts to apply for class membership in one of the requisite legalization class-action lawsuits with her initial Form I-485 LIFE Act application, in response to the notice of intent to deny, and on appeal. Nevertheless, both section 1104(c)(2)(B)(i) of the LIFE Act and 8 C.F.R. § 245a.11(b) require that any alien, including derivative applicants, applying for adjustment to permanent residence under the provisions of the LIFE Act must demonstrate that he or she entered the United States prior to January 1, 1982 and resided in this country since such date to May 4, 1988. As noted above, the applicant was born on October 24, 1984. Given her inability to meet this requirement, the applicant is ineligible to adjust to permanent residence status under section 1104 of the LIFE Act.

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