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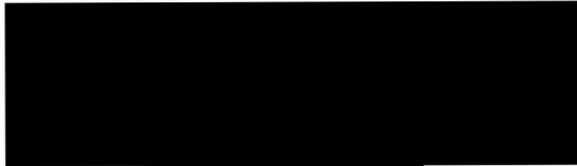
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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. 3000
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

L2



FILE:

MSC 02 243 69147

Office: CHICAGO

Date: **AUG 26 2008**

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:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. If your appeal was dismissed or rejected, all documents have been returned to the National Benefits Center. 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. If your appeal was sustained or remanded for further action, you will be contacted.

Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the District Director (director) in Chicago, Illinois. It is now on appeal before the Administrative Appeals Office (AAO). The appeal will be dismissed.

The director concluded that the applicant failed to establish that she applied for class membership in one of the requisite legalization class action lawsuits prior to October 1, 2000, as required under section 1104(b) of the LIFE Act.

On appeal the applicant reiterates a previous statement that she has lived in the United States since she was very young and believes she has met the burden of proof for approval of her application.

The applicant, a Pakistani national who was born in Saudi Arabia on August 30, 1987, filed her application for legal permanent resident status under the LIFE Act (Form I-485) on May 31, 2002.

To be eligible for permanent resident status under section 1104 of the LIFE Act an alien must establish that before October 1, 2000, he or she filed a written claim with the Attorney General for class membership in one 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 section 1104(b) of the LIFE Act and 8 C.F.R. § 245a.10.

As defined in the regulations, an “eligible alien” includes the spouse or child of an applicant for LIFE legalization who attempted to file a legalization application (for temporary resident status) during the original filing period under section 245A of the Immigration and Nationality Act (INA), which was May 5, 1987 to May 4, 1988. 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 in *CSS*, *LULAC*, or *Zambrano* before October 1, 2000. See 8 C.F.R. § 245a.14. No such documents have been submitted by the applicant in this proceeding, and the records at U.S. Citizenship and Immigration Services (CIS) do not indicate that any such claim was filed.

Nor does it appear that the applicant’s parents had any legal basis to file claims for class membership in one of the class action lawsuits, since the record indicates that they, along with the applicant, initially entered the United States with B-2 visas on November 1, 1988. That date was six months after the expiration, on May 4, 1988, of the original one-year filing period for legalization applications under section 245A of the INA. Thus, the parents were not yet in the United States during the original filing period and could hardly have attempted to file legalization applications during that time. Accordingly, the applicant has no legal basis to claim “eligible alien” status, under of 8 C.F.R. § 245a.10, derivatively through her parents.

Based on the foregoing analysis, the AAO concurs with the director's determination that the applicant failed to establish that she applied for class membership in one of the requisite legalization class action lawsuits prior to October 1, 2000, as required under section 1104(b) of the LIFE Act. The director's denial of the application will therefore be affirmed.

Beyond the decision of the director, applicants for permanent resident status under the LIFE Act must also establish their continuous unlawful residence in the United States from before January 1, 1982 through May 4, 1988, as well as their continuous physical presence in the United States from November 6, 1986 through May 4, 1988. *See* section 1104(c)(2)(B)(i) and (C)(i) of the LIFE Act, 8 U.S.C. § 245A(a)(2)(A) and (3)(A).

In this case the applicant was not born until August 30, 1987. Thus, she could not have resided continuously in the United States from before January 1, 1982 through May 4, 1988, and could not have been continuously physically present in the United States from November 6, 1986 through May 4, 1988. On these grounds as well, therefore, the application for permanent resident status (Form I-485) cannot be approved.

For the reasons discussed above, the appeal will be dismissed and the application denied.

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