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20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

22

FILE:

[REDACTED]

Office: NATIONAL BENEFITS CENTER

Date: JAN 04 2005

MSC-04-147-18895

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. 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

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's father reaffirms his eligibility for permanent resident status under the LIFE Act as one who had applied for class membership in the *CSS/LULAC* class-action lawsuit. The father asserts "my wife and my son Carlos came on June 1986, also without inspection. We reside continuously from that date until October 1988." The father requests that his son's application be reconsidered.

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.

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.

Along with his LIFE application, the applicant submitted a copy of his Costa Rican passport and several affidavits from acquaintances attesting to his and his parents' residence in the United States. The applicant also submitted the following:

- a copy of his father's Form I-687 application under section 245A of the Immigration and Nationality Act (the Act) signed on March 24, 1988;
- a copy of his father's Legalization Questionnaire signed on September 2, 2000;
- a copy of an undated Form G-56 purportedly from the New Jersey Office informing the applicant's father of an interview date on October 16, 1990; and
- a copy of his father's *LULAC* Class Membership Declaration signed on October 16, 1990.

In response to a Notice of Intent to Deny issued on October 14, 2003, the applicant submitted photocopies of the documents that were initially provided with his LIFE application.

As previously mentioned by the director in his Notice of Decision, the father's LIFE application was denied as there was insufficient evidence to determine that he was prima facie eligible for class membership. In addition, the mother's LIFE application has not been approved for the benefit being sought. Therefore, the applicant cannot qualify for permanent residence as a derivative benefit under section 1104 of the LIFE Act.

The regulation at 8 C.F.R. § 245a.11(b) provides that each applicant to demonstrate that he or she entered the United States prior to January 1, 1982. Based on the father's statement that his son did not enter the United States until June 1986, 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.